

**In The Matter Of:**

*Senate Committee on Governmental Affairs  
Special Investigation*

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*Deposition of Michael E. Barody*

*Vol. 2, July 20, 1997*

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UNITED STATES SENATE  
COMMITTEE ON GOVERNMENTAL AFFAIRS  
In the Matter of: :  
SPECIAL INVESTIGATION :

VOLUME II

Washington, D.C.

Sunday, July 20, 1997

The deposition of MICHAEL E. BAROODY, recalled for examination by counsel for the United States Senate, Committee on Governmental Affairs, Room SD-326, Senate Dirksen Office Building, commenced at 10:21 a.m., before Anne E. Hayes, a notary public in and for the District of Columbia, when were present on behalf of the parties:

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PROCEEDINGS

(1) MS. ROSENBERG: On the record.

(2) Whereupon,

(3) MICHAEL E. BAROODY

(4) was recalled for examination by counsel for the Committee on  
(5) Governmental Affairs and, having been previously duly sworn,  
(6) was examined and testified further as follows:

(7) MR. COTTEN: Let me just, as usual, make an  
(8) opening statement. We, of course, are here as a  
(9) continuation of the deposition last time. We are cognizant  
(10) of the order that was issued by the Chairman of the  
(11) Committee and that we want to repeat, not again to be  
(12) obstructionist or anything else, that we think that the  
(13) mandate is still valid.

(14) We don't think the Chairman actually has the  
(15) authority to alter the mandate, and even given that,  
(16) however, that is not going to be the guideline because, as  
(17) far as we are concerned, we have agreed to be cooperative,  
(18) produce more documents. Our only point is that we do not  
(19) want to suggest that by doing so, we are going to permit an  
(20) unfettered rambling into a lot of other areas.

(21) First of all, I would like to state that we have  
(22) gone back through the documents that we have had before.  
(23) The only document we had presented before was the actual  
(24) rsum of Mr. Baroody, and since then, we have gone back and

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(1) looked at the subpoena that was originally served upon us  
(2) and have additional documents here.

(3) Now, we have not distinguished these by any  
(4) particular marking. So that, I have no other way of doing  
(5) it other than the fact that we have got one packet for us to  
(6) refer to and a packet here, and just to highlight certain  
(7) things for ease of reference for you so you don't have to  
(8) sit here and go through this thing, on the top of this are  
(9) two things.

(10) You are aware of and have in your possession the  
(11) memorandum, which has now become infamous in some  
(12) descriptions. There are two other documents that are  
(13) connected with that. One is the letter that basically  
(14) accompanied the memorandum, and there was one. So we have  
(15) made that. Second is a responsive brief memorandum that was  
(16) sent to Mr. Baroody from Mr. Barbour. So I am just putting  
(17) those on top in case you want to refer those immediately for  
(18) any questioning here rather than sit here and have to go  
(19) through some things here to see if you wanted to pose any  
(20) other questions.

(21) Against that background, the only other request we  
(22) would make is that we would prefer not to be here all day,  
(23) and so, if you have got some specific questions sooner, we  
(24) can focus on those better.

(25) Here you are, ma'am.

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(1) MS. LENTCHNER: Thank you.

(2) MS. ROSENBERG: Thank you for producing these  
(3) documents.

(4) I would actually like to go off the record for a  
(5) few minutes and review what you have produced.

(6) MR. COTTEN: Sure.

(7) [Discussion off the record.]

(8) MS. ROSENBERG: Back on the record.

(9) MS. LENTCHNER: I just wanted to clarify one  
(10) thing. If I correctly understood you, this is all documents  
(11) in Mr. Baroody's possession responsive to the subpoena, as  
(12) drafted, without any scope objections. Is that right?

(13) MR. COTTEN: Correct. That's right. The issue,

(14) just so that we would also just get it on record, we took  
(15) the position, but we are not using that as a basis for it.  
(16) There was not a subpoena duces tecum. So that, in theory,  
(17) we could argue that nothing was to be produced, but our goal  
(18) has been since the order and since the request to be  
(19) cooperative and try and move things along, that is what we  
(20) did.

(21) Now, the one thing that we did not do is produce  
(22) anything that touched upon any list of contributors, not  
(23) that we have all of that, but I just want to let you know,  
(24) even from the oral questioning, we are going to object to  
(25) any questions you pose as to list of contributors and names

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(1) and that type of thing. So that might be the only other  
(2) thing, but am I correct that that was what we deleted,  
(3) anything that may have addressed specifically on  
(4) contributors?  
(5) THE WITNESS: We did delete that, yes.  
(6) MR. COTTEN: Yes. So, other than that, that would  
(7) be true.  
(8) MS. LENTCHNER: Thank you.  
(9) MS. ROSENBERG: Thank you.  
(10) EXAMINATION BY COUNSEL FOR THE MINORITY  
(11) COMMITTEE ON GOVERNMENTAL AFFAIRS  
(12) BY MS. ROSENBERG:  
(13) Q: Mr. Baroody, I think you know everybody at the  
(14) table here today.  
(15) A: Yes.  
(16) Q: We met the last time.  
(17) You are still under oath. You recall that,  
(18) correct?  
(19) A: I understand.  
(20) Q: All right. And this is the continuation of the  
(21) deposition into campaign finances that the Senate  
(22) Governmental Affairs Committee is conducting. I just wanted  
(23) to make sure that it is still clear.  
(24) A: It is.  
(25) Q: Okay, great.

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(1) Mr. Baroody, let's start out with the organization  
(2) of the National Policy Forum while you were there, and just  
(3) to refresh everyone's memories, can we get the dates that  
(4) you were at the National Policy Forum?  
(5) A: I began at the National Policy Forum, as its first  
(6) president, on the 1st of July 1993 and left on the 1st of  
(7) August 1994.  
(8) Q: Who did you answer to at the National Policy  
(9) Forum?  
(10) A: Haley Barbour.  
(11) Q: Anyone else?  
(12) A: No.  
(13) Q: Who was immediately below you at the National  
(14) Policy Forum?  
(15) A: Initially, there were two vice presidents, Ken  
(16) Hill and Judy Van Rest.  
(17) Q: Who hired Mr. Hill?  
(18) A: He was hired by Haley Barbour prior to my arrival  
(19) to begin setting up.  
(20) Q: Who hired Judy Van Rest?  
(21) A: I did.  
(22) Q: Did Ms. Van Rest just sent you her rsum in the  
(23) ordinary course, or did you know her from a previous-  
(24) A: I had known her from previous associations.  
(25) Q: Where did you know her from?

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(1) A: She and I worked together at the Republican  
(2) National Committee in the late '70s.  
(3) Q: What was her position at the Republican National  
(4) Committee then?  
(5) A: Well, it evolved into associate editor of "Common  
(6) Senate," a Republican journal of thought and opinion.  
(7) Q: I'm sorry. What was Ms. Van Rest's role at the  
(8) Republican National Committee?  
(9) A: That's it.  
(10) Q: She was working on "Common Sense" at the  
(11) Republican National Committee?  
(12) A: In 1978-  
(13) Q: In 1978?  
(14) A: -through early '80s.  
(15) Q: So there was a production by the RNC called  
(16) "Common Senate"; is that correct?  
(17) A: There was a publication in the '70s and early  
(18) '80s, yes.  
(19) Q: What was Ms. Van Rest's role at the National  
(20) Policy Forum?  
(21) A: She was a vice president with various duties,  
(22) including at the beginning trying to help us organize a  
(23) policy structure, ultimately get the journal "Common Sense"  
(24) started up, and worked with staff on thinking through  
(25) forums. She attended some of the early ones, as an example.

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(1) Q: When you were at the National Policy Forum, did  
(2) the RNC, to the best of your knowledge, have a journal  
(3) called "Common Sense"?  
(4) A: No, they did not.  
(5) Q: When did the RNC discontinue producing a journal  
(6) called "Common Sense"?  
(7) A: About 1981.  
(8) Q: And did any other organization produce a journal  
(9) called "Common Sense," a Republican journal called "Common  
(10) Sense"?  
(11) A: No.  
(12) Q: -between the time the RNC stopped and the time  
(13) the NPF started?  
(14) A: No.  
(15) Q: Was the journal called "Common Sense" that the NPF  
(16) produced modeled in any way after the RNC's journal?  
(17) A: It was very similar. I founded the first and  
(18) founded the second.  
(19) Q: You founded the first at the RNC?  
(20) A: Yes.  
(21) Q: What was your role at the RNC?  
(22) A: It evolved to the title of director of Public  
(23) Affairs. I began as director of Research, in that capacity,  
(24) started "Common Sense" in 1978.  
(25) Q: Were there any other vice presidents other than

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(1) Mr. Hill or Ms. Van Rest during the time you were at the  
(2) National Policy Forum?  
(3) A: Yes, after the first of the year, that is, 1994, a  
(4) vice president for Policy came on board.  
(5) Q: Who was that?  
(6) A: His name was Howlett.  
(7) Q: And his first name?  
(8) A: Kip.  
(9) Q: Who hired Mr. Howlett?  
(10) A: He was hired by Mr. Barbour.  
(11) Q: Did you have any say in whether or not he would be  
(12) hired?  
(13) A: Essentially, no.  
(14) Q: Who had hiring responsibilities overall at the  
(15) National Policy Forum?  
(16) A: I did.  
(17) Q: Why was Mr. Howlett then hired by Haley Barbour?  
(18) A: Haley Barbour, in his role as chairman of the  
(19) National Policy Forum, determined that Mr. Howlett would be  
(20) a good addition.  
(21) Q: Did you agree with that?  
(22) A: I wasn't sure. I didn't know Mr. Howlett.  
(23) Q: Did you discuss the hiring of Mr. Howlett with  
(24) Haley Barbour?  
(25) A: We did.

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(1) Q: How often? How many times?  
(2) A: I couldn't tell you precisely. Two or three  
(3) times, perhaps.  
(4) Q: And did you express any concerns about hiring-  
(5) A: I expressed reservations because I did not know  
(6) him.  
(7) Q: How long were the conversations that you had with  
(8) Mr. Barbour regarding Mr. Howlett?  
(9) A: You know, I really don't know. They weren't-I  
(10) don't recall that they were elaborate conversations.  
(11) Q: Did you feel that the National Policy needed a  
(12) vice president for Policy?  
(13) A: I had considered that need myself.  
(14) Q: Did you have anyone else in mind as a vice  
(15) president for Policy?  
(16) A: Don't recall that I had a particular candidate in  
(17) mind.  
(18) Q: Were any other candidates named other than Mr.  
(19) Howlett, either by Mr. Barbour or anyone else?  
(20) A: No.  
(21) Q: Do you know where Mr. Howlett was working before  
(22) he came to the National Policy Forum?  
(23) A: He had been working in the paper industry. I  
(24) don't recall which company.  
(25) Q: Had he ever worked for the Republican National

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(1) Committee, to the best of your knowledge?  
(2) A: Not to my knowledge.  
(3) Q: How did Mr. Barbour know Mr. Howlett?  
(4) A: I don't know.  
(5) Q: Did--  
(6) MR. MADIGAN: Are we going to get to something to  
(7) do with next week's hearings pretty soon or--  
(8) MR. COTTEN: Thank you.  
(9) MR. MADIGAN: This seems to me to be about as  
(10) unrelated as it could be.  
(11) BY MS. ROSENBERG:  
(12) Q: When Mr. Barbour brought on Mr. Howlett, was it  
(13) your impression that it was a done deal, or was there any  
(14) chance that you could have said no, I don't think this is  
(15) the right person for the job?  
(16) A: When he was brought on, he was brought on. It was  
(17) a done deal.  
(18) Q: When he was suggested to you?  
(19) A: It seemed to me that the chairman of the National  
(20) Policy Forum was pretty definite about his own views, yes.  
(21) Q: Were there any other hiring decisions that Haley  
(22) Barbour made that you did not make?  
(23) A: At the same time, a decision was made to bring on  
(24) board Dan Danning in the role of chief operating officer.  
(25) That was similar.

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(1) Q: Do you know how Mr. Barbour knew Mr. Denning?  
(2) A: Not in any precise way, no.  
(3) Q: Did you agree that there was a need to have a  
(4) chief operating officer?  
(5) A: We had thought about that, I had, about whether  
(6) that would be the title or not, an operating manager of some  
(7) sort. Yes, I had thought about that. So I didn't disagree.  
(8) Q: Did you express any reservations about Mr. Denning  
(9) in particular for this job?  
(10) A: Personal to Mr. Denning, no, because I didn't know  
(11) enough about him to feel that he wasn't suited, but I was--I  
(12) did express some reservations about the hiring.  
(13) Q: And what reservations did you have about the  
(14) hiring?  
(15) A: I would have rather that the hiring decision be  
(16) more a collaborative one.  
(17) Q: More collaborative between you and Mr. Barbour?  
(18) A: Yes.  
(19) Q: And when did you express these reservations? Who  
(20) did you express these reservations to?  
(21) A: I expressed them to Mr. Barbour, and it would have  
(22) been, I believe, sometime in December of '93.  
(23) Q: Did you express your reservations to anyone else?  
(24) A: Perhaps. I don't recall.  
(25) Q: But you did have conversations with Mr. Barbour

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(1) about the concerns you had--  
(2) A: Yes.  
(3) Q: --about the hiring process?  
(4) A: I did.  
(5) Q: And what was Mr. Barbour's response?  
(6) A: He felt pretty definite in his own decision and  
(7) said so.  
(8) Q: Did you have any role in the selection of the  
(9) board of directors at the National Policy Forum, the  
(10) members?  
(11) MR. COTTEN: I believe we asked and answered that  
(12) once before, ma'am. I'm not trying to stop you, but we did  
(13) do that, and those were some of the questions we answered.  
(14) BY MS. ROSENBERG:  
(15) Q: Refresh my memory, if you will. Did you have any  
(16) responsibilities in the selection of the board of directors?  
(17) A: We did discuss--and my recollection is the same  
(18) that we have talked about this before. We did discuss  
(19) appointments to the board, and we discussed the structure of  
(20) the board.  
(21) Q: We meaning you and Mr. Barbour?  
(22) A: That's correct. And we ended up in agreement  
(23) about both the size and composition of the board.  
(24) Q: Were the individuals on the board of  
(25) directors--the particular individuals on the board of

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(1) directors, did you have any role in naming them?  
(2) A: Well, in the sense that we collaborated, Mr.  
(3) Barbour and myself, in the selection of the board, the final  
(4) decision about who would be on the board, I think the answer  
(5) is yes.  
(6) Q: Did anybody else participate in the decision as to  
(7) who would be on the board of the National Policy Forum?  
(8) A: I'm sure that others were--other views were  
(9) sought, but I don't recall specifically that anyone else  
(10) participated in the final decision. That was a decision Mr.  
(11) Barbour and I agreed to.  
(12) Q: Do you recall who else's views were sought?  
(13) A: No. I recall--no, I don't.  
(14) Q: Do you recall if anyone at the RNC was asked what  
(15) their views would be?  
(16) A: I recall some meetings at where this would be  
(17) discussed were held in Mr. Barbour's office at the RNC with  
(18) others from the RNC present.  
(19) Q: And do you recall who from the RNC was present at  
(20) those meetings?  
(21) A: I would imagine Scott Reed and Don Fierce were  
(22) present. I don't recall that anyone else would have been.  
(23) Q: What was Scott Reed's role at the RNC, as you  
(24) understood it?  
(25) A: He was the executive director of the RNC.

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(1) Q: And what was Don Fierce's role?  
(2) A: He was a--counselor to the chairman, I believe,  
(3) was the title.  
(4) Q: Did Scott Reed have any official title at the  
(5) National Policy Forum?  
(6) A: He did not.  
(7) Q: Did Don Fierce have any official title at the  
(8) National Policy Forum?  
(9) A: No.  
(10) Q: Was there anyone other than Scott Reed or Don  
(11) Fierce that you recall at meetings discussing the board of  
(12) directors of the National Policy Forum?  
(13) A: The others who would have been in attendance would  
(14) be Hill and Van Rest. I recall no one else.  
(15) Q: When would these meetings have occurred?  
(16) A: Probably in July, certainly in the summer of '93.  
(17) Q: How many meetings did you have?  
(18) A: Oh, I don't know.  
(19) Q: Once a week, once a month, once a day?  
(20) A: I think less frequently than once a week, perhaps,  
(21) over the course of the summer.  
(22) Q: And at all of these meetings that you had, would  
(23) it have been, as you said, Mr. Hill, Ms. Van Rest, Scott  
(24) Reed, Don Fierce, yourself, and Haley Barbour?  
(25) A: Not at all of them, no, but at the ones where we

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(1) discussed the board, my recollection would be yes.  
(2) Q: What others meetings did you have at the RNC other  
(3) than to just meet to discuss the board?  
(4) A: There were some early meetings where we discussed  
(5) a survey research instrument, as it's called, a poll  
(6) questionnaire; that while it was an RNC document, it was  
(7) something that Mr. Barbour wanted my input into.  
(8) Q: And who else attended the survey research  
(9) meetings?  
(10) A: Generally, I believe it may have been the same  
(11) names we were just discussing with perhaps the  
(12) addition--well, certainly the addition, at least once or  
(13) twice, of someone whose job it was to prepare that  
(14) instrument.  
(15) Q: Do you recall who that was?  
(16) A: It would have been a gentleman by the name of John  
(17) Grotta.  
(18) Q: What was his role at the RNC? Was he employed by  
(19) the RNC?  
(20) A: Honestly, I am not clear on him, my recollection  
(21) as to whether he worked for the RNC or some other group.  
(22) Q: Did he work for the National Policy Forum?  
(23) A: No, he did not.  
(24) Q: Did you have any meetings with anyone at the RNC  
(25) on fund-raising for the National Policy Forum?

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(1) A: I don't recall that I did.  
(2) MR. COTTEN: Just so we are clear, when you say  
(3) meetings at the RNC, are we talking about physical location  
(4) or meetings with people who were at the RNC meeting and  
(5) employed by the RNC?  
(6) MS. ROSENBERG: I should have made that clear.  
(7) BY MS. ROSENBERG:  
(8) Q: Meetings with other people who are employed by the  
(9) RNC?  
(10) A: I'm sure I would have discussed with--not more  
(11) than once in my recollection--had discussions with people  
(12) involved with that at the RNC.  
(13) Q: And do you recall who you had  
(14) discussions--fund-raising discussions with at the RNC?  
(15) A: I believe that I met once with John Moran.  
(16) Q: Who is John Moran?  
(17) A: He was--  
(18) Q: Who was John Moran?  
(19) A: The title, I believe, was Finance director up  
(20) there.  
(21) Q: Finance director at the RNC?  
(22) A: Yes.  
(23) Q: Did you have any other meetings where you  
(24) discussed fund-raising for the NPF with individuals who were  
(25) employed by the RNC?

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(1) A: I don't recall any.  
(2) Q: You had mentioned earlier that on the survey that  
(3) the RNC was doing, Haley Barbour wanted your input on that  
(4) survey?  
(5) A: Yes.  
(6) Q: Why is that?  
(7) A: Because he thought it would generate an  
(8) interesting base of information.  
(9) Q: An interesting base for what?  
(10) A: For--I'm sure for his own purposes at the RNC, but  
(11) he also thought what it might yield would be informative to  
(12) anyone embarking on an effort such as we were embarked on at  
(13) the National Policy Forum.  
(14) Q: What type of information did you consider the  
(15) survey would provide that would be useful for the National  
(16) Policy Forum?  
(17) A: In truth, not a lot.  
(18) Q: Did you think the survey was a useful tool for the  
(19) National Policy Forum?  
(20) A: I thought it might be helpful, but I was focused  
(21) more on--not on what a survey might produce, but rather on  
(22) what we might learn when we got out to actually listen to  
(23) people.  
(24) Q: Whose idea was it to produce the survey?  
(25) A: That's not clear to me what the origins of the

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(1) idea were.  
(2) Q: When did you first learn about the National Policy  
(3) Forum?  
(4) A: Again, I recall we discussed this. It was  
(5) sometime in the spring of 1993. I'm confident that it was  
(6) April or sooner, perhaps March.  
(7) Q: And who did you learn about it from?  
(8) A: My recollection is that I learned first about it  
(9) from Don Fierce.  
(10) Q: And how did the conversation come about with  
(11) Donald Fierce?  
(12) MR. COTTEN: Again, ma'am, I'm not going to again  
(13) say don't answer to anything else, but we really did cover  
(14) this at some length the last time.  
(15) MS. ROSENBERG: Okay.  
(16) MR. MADIGAN: I have the same recollection,  
(17) reading this, the first deposition. So, hopefully, we won't  
(18) be repeating it--  
(19) MS. ROSENBERG: We shouldn't be repeating too  
(20) much.  
(21) MR. MADIGAN: --Sunday morning at 11:05.  
(22) MS. LENTCHNER: My guess is that the interruptions  
(23) would probably have taken more time than the question, and--  
(24) MR. MADIGAN: You have taken the deposition once,  
(25) and it is not appropriate to repeat the questions that have

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(1) already been asked.  
(2) MS. LENTCHNER: I don't want to get into an  
(3) argument, but if I pulled out every repetition of a question  
(4) that your staff ever asked in a deposition, Mike, we would  
(5) be sitting here for a long time.  
(6) MR. MADIGAN: I don't think so, but let's go.  
(7) BY MS. ROSENBERG:  
(8) Q: What did Donald Fierce tell you about the National  
(9) Policy Forum when you first spoke with him?  
(10) A: Well, it was a long time ago. He would have  
(11) generally outlined the concept.  
(12) Q: Did you understand at any point that he would be  
(13) involved in the National Policy Forum?  
(14) MR. COTTEN: He, Donald Fierce?  
(15) MS. ROSENBERG: Yes.  
(16) THE WITNESS: I don't recall that I did have that  
(17) understanding at any point.  
(18) BY MS. ROSENBERG:  
(19) Q: What was your role in the formation of the  
(20) National Policy Forum?  
(21) A: I had some conversations with him.  
(22) Q: Donald Fierce?  
(23) A: Donald Fierce. I would have offered some thoughts  
(24) about the way to appropriately conceive such an  
(25) organization. They were general thoughts about such an

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(1) undertaking.  
(2) Q: And who besides Donald Fierce did you share these  
(3) thoughts with?  
(4) A: Subsequently, I would have had conversations with  
(5) Haley Barbour.  
(6) Q: Anyone else?  
(7) A: Very possibly, even probably. I don't recall  
(8) specific conversations.  
(9) Q: Did you have any discussions with Scott Reed on  
(10) the formation of the National Policy Forum?  
(11) A: Not of the sort I've had with the others, which  
(12) would have been one-on-one conversations.  
(13) Q: What sort of conversations would you have had with  
(14) Scott Reed?  
(15) A: Those in a larger meeting, and I don't recall,  
(16) honestly, how many, if any, of those meetings would have  
(17) been prior to my arrival at the NPF.  
(18) Q: Would you have had any of those types of  
(19) discussions with John Moran?  
(20) A: No.  
(21) Q: What do you recall about meeting with John Moran?  
(22) A: Just that once we talked, it was a general  
(23) conversation. I think the principal purpose--this was after  
(24) I had become president--was to acquaint him with the NPF.  
(25) Q: Why did you feel it necessary to acquaint him with

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(1) the NPF?  
(2) A: I'm not sure that I did.  
(3) Q: You didn't feel it necessary to acquaint him with  
(4) the NPF?  
(5) A: I don't recall feeling it necessary to acquaint  
(6) him with the NPF.  
(7) Q: Why did you have a conversation with him about the  
(8) NPF?  
(9) A: I think he may have asked for it because he wanted  
(10) to know about the NPF.  
(11) Q: Was anyone else involved in those conversations  
(12) with John Moran?  
(13) A: That conversation?  
(14) Q: That conversation with John Moran?  
(15) A: I don't recall, but if there was, I believe it was  
(16) he and I.  
(17) Q: Do you recall when that conversation was?  
(18) A: Not precisely. Probably earlier, after I arrived.  
(19) Q: What was your understanding of the mission of the  
(20) National Policy Forum?  
(21) MR. COTTEN: That is another topic that we have  
(22) covered at length. I just want to remind you.  
(23) THE WITNESS: We shorthanded that mission as  
(24) "Listening to America." The objective was to go out and  
(25) listen to people around the country, and on the basis of

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[1] what we heard and what members of NPF's policy councils  
[2] thought, formulate policy statements and recommendations.  
[3] **BY MS. ROSENBERG:**  
[4] **Q:** And did you contribute to developing that mission  
[5] statement?  
[6] **A:** Yes.  
[7] **Q:** Who did you discuss that with?  
[8] **A:** Initially, that would have been the kind of  
[9] discussion I alluded to having with Don Fierce and Haley  
[10] Barbour. Subsequently, I would have had the same kind of  
[11] conversations with others, particularly including newly  
[12] hired staff at the National Policy Forum.  
[13] **Q:** Was there anyone else that you would have  
[14] discussed that with who worked at the RNC?  
[15] **A:** Outside of the context of the meetings I have  
[16] already described where Don Fierce and Scott Reed may have  
[17] been in attendance, no.  
[18] **Q:** What were the initial fund-raising plans, without  
[19] getting into the specific identity of donors, the initial  
[20] fund-raising plans for the National Policy Forum?  
[21] **A:** We announced publicly that it would start with  
[22] seed money loaned from the RNC, and that fund-raising would  
[23] go forward with an effort to publicize the forum and the  
[24] solicitation for support to a variety of potential sources,  
[25] including individuals and corporations.

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[1] **Q:** Who did you discuss the fund-raising plans with  
[2] for the National Policy Forum?  
[3] **MR. MADIGAN:** Do you have a time frame for any of  
[4] these questions, or do you mean ever?  
[5] **MS. ROSENBERG:** I can break it down, if you'd  
[6] like, if that would help.  
[7] **BY MS. ROSENBERG:**  
[8] **Q:** Who did you discuss initial fund-raising plans  
[9] with before you started at the National Policy Forum?  
[10] **A:** Haley Barbour.  
[11] **Q:** Anyone else?  
[12] **A:** It may have come up in conversations with Don  
[13] Fierce. I don't know.  
[14] **Q:** Anyone else?  
[15] **A:** Not that I recall.  
[16] **Q:** Who did you discuss initial fund-raising plans  
[17] with immediately after you started at the National Policy  
[18] Forum?  
[19] **A:** Again, that discussion probably would have been a  
[20] part of some of those early meetings I have described, and  
[21] I've described who was in attendance.  
[22] **Q:** So, again, we are talking about Scott Reed, Donald  
[23] Fierce; is that right?  
[24] **MR. COTTEN:** He didn't name Scott Reed.  
[25] **THE WITNESS:** Ken Hill and Judy Van Rest.

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[1] **BY MS. ROSENBERG:**  
[2] **Q:** I believe you named Scott. Was Scott Reed in some  
[3] of those initial meetings?  
[4] **A:** In those early meetings, after I became president  
[5] of the National Policy Forum, yes.  
[6] **Q:** Who else would you have discussed the fund-raising  
[7] plans with after you became president of the National Policy  
[8] Forum?  
[9] **A:** NPF staff. I don't recall anyone else.  
[10] **Q:** Did the National Policy Forum have a fund-raiser  
[11] on staff?  
[12] **A:** One was hired, and I don't recall precisely the  
[13] timing of her hiring. So the answer is yes, but I don't  
[14] know just when that began.  
[15] **Q:** In your discussions with Haley Barbour before the  
[16] National Policy Forum was officially formed, can you  
[17] describe for me all the discussions of fund-raising that you  
[18] had?  
[19] **A:** I'm sure I cannot.  
[20] **Q:** Can you give me a general idea of what was  
[21] discussed?  
[22] **A:** Honestly, I think they were general conversations.  
[23] It's a very generally stated question. If you  
[24] have something more specific, please--  
[25] **Q:** Did you discuss specific names of contributors or

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[1] ideas?  
[2] **A:** We may have.  
[3] **Q:** --of who would solicit?  
[4] **A:** We may well have.  
[5] **Q:** And were those corporations or individuals? Do  
[6] you recall?  
[7] **A:** My judgment would be that it would be some of  
[8] both.  
[9] **Q:** Did you have any discussions about raising money  
[10] from foreign contributors or foreign sources?  
[11] **A:** We had, as I recall, one conversation on that  
[12] subject.  
[13] **Q:** You and Haley Barbour?  
[14] **A:** Correct.  
[15] **Q:** Was anyone else in attendance at that  
[16] conversation?  
[17] **A:** No.  
[18] **Q:** When did that occur?  
[19] **A:** It occurred--on the calendar, I don't remember  
[20] precisely, but it occurred prior to my arrival at the NPF.  
[21] My guess is it would have been late May or early June.  
[22] **Q:** And what was discussed in regards to foreign  
[23] contributions?  
[24] **A:** The general idea that foreign money could be  
[25] raised for the NPF.

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[1] **Q:** And whose idea was that?  
[2] **A:** It was raised by Mr. Barbour.  
[3] **Q:** Did you agree with the fact that foreign money  
[4] could be raised for the NPF?  
[5] **A:** I did.  
[6] **Q:** Did Haley Barbour suggest that he would like to  
[7] raise foreign contributions for the NPF?  
[8] **A:** He raised it in such a way that suggested he  
[9] thought that would be a promising source for the Fund.  
[10] **Q:** And how did you feel about that?  
[11] **A:** I objected to it.  
[12] **Q:** And why?  
[13] **A:** Because I thought it would be wrong.  
[14] **Q:** Why did you think it would be wrong?  
[15] **A:** Because the NPF was involved in an--inherently an  
[16] American political exercise, and I thought that it was--it  
[17] would be imprudent and inappropriate to raise--to raise  
[18] funds from foreign sources from such an exercise.  
[19] **Q:** What did Haley Barbour say when you expressed  
[20] those objections?  
[21] **A:** I don't remember that we--after I had expressed  
[22] the objection, it went on for very much longer in the  
[23] conversation. I certainly don't remember what he said  
[24] precisely.  
[25] **Q:** Did he agree or did he seem to acknowledge your

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[1] concerns?  
[2] **A:** He heard them.  
[3] **Q:** Did you think that after that conversation that  
[4] foreign sources might still be something Haley Barbour would  
[5] consider for the National Policy Forum?  
[6] **MR. MADIGAN:** How would he know what Haley Barbour  
[7] was thinking? Why don't you ask him what was said?  
[8] **BY MS. ROSENBERG:**  
[9] **Q:** Did you understand the question?  
[10] **A:** Would you repeat it?  
[11] **MS. LENTCHNER:** Read it back.  
[12] **MS. ROSENBERG:** Can you read the question back,  
[13] please?  
[14] [The Reporter read back the requested portion of  
[15] the record.]  
[16] **BY MS. ROSENBERG:**  
[17] **Q:** Do you understand the question?  
[18] **A:** I understand the question. I'm not sure I know  
[19] how to answer it.  
[20] I had stated my view. I would have entertained  
[21] the hope that he would have agreed with it.  
[22] **Q:** Did he give you any indication that he agreed with  
[23] your view?  
[24] **A:** I don't recall any explicit statement from him to  
[25] that effect.

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[1] Q: Do you recall any general impression that he  
[2] either agreed or disagreed with you?  
[3] A: In terms of the meeting we are discussing now?  
[4] Q: In terms of anything after that meeting, do you  
[5] recall Haley Barbour's general interest in soliciting  
[6] foreign contributions?  
[7] MR. COTTEN: That's really a--  
[8] MS. ROSENBERG: That's a broad question. Strike  
[9] the question.  
[10] BY MS. ROSENBERG:  
[11] Q: In terms of that particular meeting, I believe you  
[12] just testified you don't recall Haley Barbour's impression?  
[13] A: I don't recall his explicit response.  
[14] Q: His explicit response.  
[15] Do you recall any response?  
[16] MR. COTTEN: Would you ask him just to--I know  
[17] what you're asking, but if you asked him did he indicate by  
[18] any act, word, or deed, during your tenure there, that he  
[19] intended to raise foreign contributions, I mean, that at  
[20] least gets to the heart of where you're going.  
[21] MS. LENTCHNER: Why don't you let the--why don't  
[22] you let her ask the question.  
[23] MR. COTTEN: No, I am, but I'm just saying that  
[24] we're sort of rolling around. We really want to move on.  
[25] I'm trying to help, believe it or not, this time.

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[1] BY MS. ROSENBERG:  
[2] Q: After the first conversation that we have been  
[3] discussing where you expressed your concern about raising  
[4] foreign money, when was the next conversation you had with  
[5] Haley Barbour when this came up?  
[6] A: I don't know that I had a specific conversation  
[7] with Haley Barbour on this subject again.  
[8] Q: Did the subject of foreign money ever come up  
[9] again with Haley Barbour?  
[10] A: With Haley Barbour? I do not have a specific  
[11] recollection that it did come up again with Haley Barbour  
[12] and me.  
[13] Q: Do you have a recollection that it came up at all  
[14] in--at any time during your tenure at the National Policy  
[15] Forum? Do you have a recollection that the subject of  
[16] foreign money came up again, foreign contributions?  
[17] A: You mean from any source?  
[18] Q: Yes, from anyone at the NPF.  
[19] A: Yes, I do.  
[20] Q: Who do you recall the subject coming up with?  
[21] A: I recall discussing it with Dan Denning.  
[22] Q: When do you recall discussing it with Dan Denning?  
[23] A: Well, it would have been sometime after the first  
[24] of 1994. That's when he arrived.  
[25] Q: Do you recall having more than one discussion with

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[1] Dan Denning on the subject of foreign money?  
[2] A: The recollection is vague, but I think there would  
[3] have been a couple of such conversations.  
[4] Q: And do you recall when they occurred?  
[5] A: Again, sometime early in 1994.  
[6] Q: Early 1994?  
[7] A: Yes.  
[8] Q: And who raised the subject?  
[9] A: He would have.  
[10] Q: Just describe for me those conversations, to the  
[11] best of your recollection.  
[12] A: Dan would have indicated to me that he had been  
[13] asked to explore the possibility of foreign sources, and I  
[14] would have indicated to him my thinking on the matter.  
[15] Q: Who asked Dan Denning to raise the possibility of  
[16] foreign sources?  
[17] MR. SALEM: If you know.  
[18] THE WITNESS: Well, I know what he said to me, and  
[19] he suggested that the idea had been raised with him by Haley  
[20] Barbour.  
[21] BY MS. ROSENBERG:  
[22] Q: And when you had these conversations with Dan  
[23] Denning, what did you express to him about raising money  
[24] from foreign sources? In the first--let's take it one at a  
[25] time, in the first conversation you recall having with Dan

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[1] Denning?  
[2] A: The recollection of specific conversations is not  
[3] so detailed that I can distinguish from one to another. I  
[4] would have said to him what I have already shared with you  
[5] was my view that foreign sources were not appropriate.  
[6] Q: And do you recall what his response was?  
[7] A: Not with any specificity. Clearly, he listened to  
[8] what I said. I don't recall what he might have said in  
[9] response.  
[10] Q: What was your impression of how Dan Denning felt  
[11] about raising foreign contributions for the National Policy  
[12] Forum?  
[13] MR. MADIGAN: Are you asking him what was said?  
[14] How could somebody know what somebody else is thinking? It  
[15] is already 11:20. If you ask him what he said and what the  
[16] other person said, I think we will get the evidence in the  
[17] record.  
[18] MS. ROSENBERG: I believe he said he doesn't  
[19] recall what he said.  
[20] BY MS. ROSENBERG:  
[21] Q: So I am trying to get your impression of the  
[22] general conversation, since you don't recall specifics.  
[23] MR. MADIGAN: I have no idea what that means--  
[24] BY MS. ROSENBERG:  
[25] Q: I believe that's your testimony.

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[1] MR. MADIGAN: --"impression of a the general  
[2] conversation." Maybe the witness does.  
[3] THE WITNESS: The question, Mr. Madigan, as raised  
[4] is the reason I hesitated to respond. I don't know how to  
[5] quote to you my impression of the conversation.  
[6] BY MS. ROSENBERG:  
[7] Q: Did Dan Denning in any way indicate to you that he  
[8] believed raising foreign contributions for the National  
[9] Policy Forum was a good idea?  
[10] A: I don't know that I could characterize it that  
[11] way.  
[12] Q: Did Dan Denning in any way indicate to you that he  
[13] thought raising foreign money for the National Policy Forum  
[14] was a bad idea?  
[15] A: I don't recall that he did.  
[16] Q: Did Dan Denning in any way indicate to you that he  
[17] felt that the National Policy Forum should raise foreign  
[18] contributions?  
[19] A: I don't recall him saying anything along those  
[20] lines.  
[21] Q: Do you recall Dan Denning saying anything to you  
[22] about what Haley Barbour had said to him about raising  
[23] foreign money?  
[24] A: I have already said that, again, without  
[25] specificity about the words he may have used in reporting it

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[1] to me that he did say to me that he had--that the idea had  
[2] been raised with him by Haley Barbour.  
[3] Q: What, if anything, do you recall Dan Denning  
[4] saying about foreign money?  
[5] MR. COTTEN: We are getting pretty repetitive,  
[6] ma'am.  
[7] THE WITNESS: I recall what I have already  
[8] responded to you, namely that he reported to me that Mr.  
[9] Barbour had raised with him the question of whether or  
[10] not--well, whether he could identify foreign sources of  
[11] funding for the NPF.  
[12] BY MS. ROSENBERG:  
[13] Q: "Whether he" meaning Dan Denning?  
[14] A: That's correct.  
[15] Q: Did Dan Denning have any ideas of foreign sources  
[16] for the National Policy Forum?  
[17] A: I don't know that he did.  
[18] Q: Did you ask him if he did?  
[19] A: As I've said to you, I cannot report this  
[20] conversation with specificity in terms of who said what at  
[21] what time, much less what words were used.  
[22] Q: I am just trying to get the picture--  
[23] A: I understand.  
[24] Q: --as best as you can give it to me.  
[25] Do you recall him saying anything else other than

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(1) what you have testified to?  
(2) A: Not really.  
(3) Q: Did he ask you if he had any ideas as to foreign  
(4) sources of money for the National Policy Forum?  
(5) A: No. I don't recall he did.  
(6) Q: To your knowledge, did he try to identify foreign  
(7) sources of money for the National Policy Forum?  
(8) A: I don't have any particular knowledge that he did.  
(9) I simply don't know.  
(10) MR. COTTEN: If you can answer yes or no, Mr.  
(11) Baroody, it will expedite things.  
(12) THE WITNESS: Yes, sir.  
(13) BY MS. ROSENBERG:  
(14) Q: I believe you testified to this, and you just said  
(15) you had a couple of conversations with Dan Denning on  
(16) foreign money. Can you be a little more specific?  
(17) A: Excuse me. What I said was I thought I might have  
(18) had a couple of conversations.  
(19) Q: How many is a couple?  
(20) A: A couple, two.  
(21) Q: Two.  
(22) You don't think you had any conversations?  
(23) A: No, I don't.  
(24) Q: Besides Dan Denning, who else at the National  
(25) Policy Forum do you recall having discussions with regarding

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(1) raising foreign contributions?  
(2) A: I recall having a discussion with Lee Brown.  
(3) Q: And Lee Brown was on the board of directors at the  
(4) National Policy Forum?  
(5) A: He was.  
(6) Q: Do you recall when that conversation took place?  
(7) A: Honestly, I do not. It would have been, I  
(8) believe, after he agreed to voluntarily serve as Finance  
(9) chair.  
(10) Q: And who initiated the conversation on foreign  
(11) money between you and Mr. Brown?  
(12) A: I don't recall.  
(13) Q: Well, did you bring it up with him?  
(14) A: Either I brought it up with him or he brought it  
(15) up with me.  
(16) Q: How many conversations do you recall having with  
(17) Lee Brown on foreign money?  
(18) A: I don't recall that there was more than one.  
(19) Q: It is my understanding that Mr. Brown lived in  
(20) another State, is that correct, Kentucky?  
(21) A: I believe he lived in Kentucky.  
(22) Q: Do you recall if this conversation you had with  
(23) Mr. Brown was when he was in Washington or was it over the  
(24) phone?  
(25) A: I believe it was in my office at the NPF.

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(1) Q: And what do you recall Mr. Brown saying?  
(2) A: I recall the general subject of foreign money  
(3) arose between us, and we agreed it was inappropriate.  
(4) Q: Do you recall how the subject of foreign money  
(5) arose?  
(6) A: I do not.  
(7) Q: Do you recall if Mr. Brown said that Haley Barbour  
(8) had talked to him about raising foreign money?  
(9) A: I don't.  
(10) Q: You don't recall?  
(11) A: I don't know what else-I don't recall  
(12) specifically. I've been trying to make that clear. So I  
(13) don't recall specifically that he said that.  
(14) MR. COTTEN: There is no question. There is no  
(15) question pending, Mr. Baroody.  
(16) BY MS. ROSENBERG:  
(17) Q: Who else at the National Policy Forum other than  
(18) Dan Denning and Lee Brown do you recall having discussions  
(19) regarding foreign money?  
(20) A: I remember one other board member reporting it to  
(21) me.  
(22) Q: Who was that?  
(23) A: That was Bill Brock.  
(24) Q: I'm sorry. You just said you remember him  
(25) reporting it to you?

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(1) A: Reporting to me that-  
(2) Q: Reporting to you?  
(3) A: -that-in a conversation we were having that the  
(4) question of foreign money had been raised with him.  
(5) Q: And do you recall who raised the question with Mr.  
(6) Brock?  
(7) A: Lee indicated that Haley Barbour had.  
(8) Q: When did this conversation with Mr. Brock take  
(9) place?  
(10) A: I'm sorry. I don't know. I think it would have  
(11) been-I'm pretty sure it was in 1993.  
(12) Q: What was your response when Mr. Brock reported  
(13) this to you?  
(14) A: I told him of my view.  
(15) Q: Which I'm assuming remain consistent throughout  
(16) that you thought raising foreign money was-  
(17) A: They did.  
(18) Q: -not appropriate for the National Policy Forum?  
(19) A: Yes.  
(20) Q: What did Mr. Brock say?  
(21) A: Again, without specificity, my recollection is  
(22) that he had similar reservations about it to my own.  
(23) Q: Do you recall anything else about the conversation  
(24) with Mr. Brock on foreign money?  
(25) A: Not really, no.

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(1) Q: To the best of your recollection, you only had one  
(2) conversation with Mr. Brock at that point?  
(3) A: About that subject, yes.  
(4) Q: Other than the people that you have testified to,  
(5) is there anyone else at the National Policy Forum that you  
(6) recall having a conversation with about foreign money?  
(7) A: No.  
(8) Q: Is there anyone that you recall having a  
(9) conversation with about raising foreign money for the  
(10) National Policy Forum, anyone at the RNC?  
(11) A: No, with the exception of Mr. Barbour, who was at  
(12) both places, as you know.  
(13) Q: Do you recall having discussions with anyone else  
(14) anywhere about the possibility of raising foreign  
(15) contributions for the National Policy Forum?  
(16) A: Do you mean anyone-  
(17) MR. COTTEN: Can we put that-  
(18) THE WITNESS: -anywhere, any-  
(19) MR. COTTEN: Excuse me.  
(20) Can we put that in a time frame?  
(21) MS. LENTCHNER: Other than counsel, anywhere, any  
(22) time.  
(23) MR. COTTEN: You mean from the day one until  
(24) today?  
(25) MS. ROSENBERG: I mean, we can break it down, if

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(1) you'd like.  
(2) BY MS. ROSENBERG:  
(3) Q: Do you recall having conversations with anyone  
(4) anywhere prior to you starting at the National Policy Forum?  
(5) A: Yes.  
(6) Q: And who?  
(7) A: Haley Barbour.  
(8) Q: Anyone other than Haley Barbour?  
(9) A: I don't recall such.  
(10) Q: Other than the people that you have testified to  
(11) here today so far, do you recall after you started at the  
(12) National Policy Forum, during your tenure at the National  
(13) Policy Forum, having any discussions with anyone about  
(14) raising foreign money for the National Policy Forum?  
(15) A: Not with specificity. I may have.  
(16) Q: But you don't recall anybody in particular?  
(17) A: I may have raised it with the two vice presidents  
(18) I spoke of earlier, Ken Hill or Judy Van Rest, but I don't  
(19) know for sure.  
(20) Q: During the time of surrounding your resignation at  
(21) the National Policy Forum, did you have any conversations  
(22) with anyone about the National Policy Forum raising money  
(23) from foreign sources?  
(24) A: I certainly don't recall that I did. I may have.  
(25) Q: Since you have left the National Policy Forum, do



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(1) you recall any conversations with anyone about raising-  
(2) A: Well, I'm sure that I had such conversations with  
(3) people.  
(4) Q: Have you had such conversations with Haley  
(5) Barbour?  
(6) A: No.  
(7) Q: Have you had conversations since you left the  
(8) National Policy Forum with Dan Danning?  
(9) A: Yes.  
(10) Q: And when was that?  
(11) A: Sometime in the few months after he left the  
(12) National Policy Forum, he and I had a conversation.  
(13) Q: What do you recall about that conversation?  
(14) A: That it was a social lunch.  
(15) Q: What do you recall about the discussion of raising  
(16) foreign sources for the National Policy Forum?  
(17) A: I'm not sure that we discussed that subject.  
(18) Q: Do you recall discussing foreign money at the  
(19) National Policy Forum with Lee Brown since the time you left  
(20) the National Policy Forum?  
(21) A: No.  
(22) Q: From the time you resigned at the National Policy  
(23) Forum until today, other than counsel, who have you  
(24) discussed foreign money with at the National Policy Forum?  
(25) A: A few close friends, perhaps.

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(1) Q: Anyone else?  
(2) A: In recent days, I have been called by some people  
(3) in the media about it. I have not been willing to discuss  
(4) it with them.  
(5) Q: Who has called you?  
(6) A: Various reporters.  
(7) Q: Other than friends and reporters, who else have  
(8) you discussed foreign money with at the National Policy  
(9) Forum at any time, and the people that you have testified  
(10) to?  
(11) A: I'm not sure that I could add another category.  
(12) No one.  
(13) Q: Are any of the friends that you have discussed  
(14) foreign money at the National Policy Forum--are any of those  
(15) individuals employed by the Republican National Committee?  
(16) A: No.  
(17) Q: Who were the friends that you discussed the  
(18) national--the foreign money with at the National Policy  
(19) Forum?  
(20) A: They are close friends.  
(21) Q: Who are they?  
(22) A: One specific conversation I recall would have been  
(23) with an associate where I am currently employed.  
(24) Q: What do you recall about that conversation?  
(25) A: That since this process was beginning to unfold,

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(1) he should know that it may involve me.  
(2) Q: And who was that?  
(3) A: That was my employer.  
(4) Q: And who is it?  
(5) A: Jerry Jasinowski.  
(6) Q: When did that conversation take place?  
(7) A: At the beginning of this process beginning to  
(8) unfold, earlier.  
(9) Q: This process meaning the investigation?  
(10) A: That's correct, earlier this year.  
(11) Q: What did you say to him about foreign money at the  
(12) National Policy Forum?  
(13) A: I told him that I objected to it, that  
(14) nonetheless, the controversy had arisen, that I may be  
(15) involved in the controversy, that it did not in any way  
(16) involve the place where I presently work, and so he should  
(17) be not concerned.  
(18) Q: Do you recall any other conversations along these  
(19) lines with others that you worked with?  
(20) MR. SALEM: Objection. Could you proffer for the  
(21) record why it's relevant what he discussed at the National  
(22) Association of Manufacturers in connection with the scope of  
(23) this investigation? I mean, we are trying to be  
(24) cooperative. You haven't heard many objections from  
(25) counsel, but, I mean, this is a line of inquiry that is

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(1) completely outside the scope of the mandate and irrelevant  
(2) to the inquiry, it seems to us.  
(3) MS. LENTCHNER: The question on the record is  
(4) please identify every conversation you have had about NPF  
(5) foreign money that you have not already testified to with  
(6) times and who, other than counsel.  
(7) MR. MADIGAN: We only had one person questioning  
(8) over there.  
(9) MS. LENTCHNER: That's--  
(10) THE WITNESS: With all deference, I would have to  
(11) begin by going back and asking my wife how many times we  
(12) have discussed this. Do you wish me to do that?  
(13) MR. COTTEN: Michael, if you recall, you recall.  
(14) If you do not recall, you do not recall.  
(15) MR. SALEM: Do you really want him to testify  
(16) about conversations with his wife, Counsel?  
(17) MS. LENTCHNER: His wife is one. Anybody else you  
(18) discussed foreign money with that you have not already  
(19) testified to, other than counsel?  
(20) THE WITNESS: I am, in all good faith, trying to  
(21) think of what other close friends I may have discussed it  
(22) with.  
(23) MR. COTTEN: Could we get a proffer? Part of the  
(24) problem, I think, on this is discussing. He may have said  
(25) to somebody, I'm going to be called to testify, and the

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(1) question of foreign may come up. That may be the extent of  
(2) the conversation, and it's an expression of opinion by him  
(3) to other people what his position was.  
(4) We are going to reach a point where I am going to  
(5) tell him not to answer if we are going to go down this road  
(6) without any proffer as to where is it legal.  
(7) MR. SALEM: Mr. Baroody, do you recall anyone  
(8) else?  
(9) THE WITNESS: Well, you know, I have six children.  
(10) I have spoken to them.  
(11) MR. SALEM: All right, so your children. Other  
(12) than them--  
(13) THE WITNESS: I have a brother and a sister. I  
(14) have spoken to them.  
(15) MR. SALEM: Okay.  
(16) MS. LENTCHNER: Anyone else that you recall?  
(17) THE WITNESS: A neighbor.  
(18) MS. LENTCHNER: Anyone else that you recall?  
(19) THE WITNESS: A college chum.  
(20) MS. LENTCHNER: How long ago?  
(21) MR. MADIGAN: Are we switching questioners now?  
(22) We should have one person questioning. That's been the rule  
(23) on all of these depositions. It is not appropriate to be  
(24) going back and forth with multiple people firing questions  
(25) at him.

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(1) BY MS. ROSENBERG:  
(2) Q: Anyone else? Go ahead. Anyone else?  
(3) A: Perhaps. I don't specifically recall beyond that  
(4) list.  
(5) Q: Did the possibility of raising foreign money or  
(6) the idea of raising foreign money for the National Policy  
(7) Forum--did that in any way contribute to your resignation  
(8) from the National Policy Forum, your decision to resign?  
(9) A: In some way, it contributed.  
(10) Q: How?  
(11) A: It was part of a general concern I had that my  
(12) views were not always--it created to a--to a general  
(13) dissatisfaction.  
(14) Q: Did you express that dissatisfaction to Haley  
(15) Barbour prior to your resignation?  
(16) A: I did.  
(17) Q: And what was his response?  
(18) MR. COTTEN: Could we be specific? When you say  
(19) dissatisfaction, do you mean dissatisfaction with foreign  
(20) fund-raising? Because there is no evidence or testimony on  
(21) basis there was any foreign fund-raising prior to his  
(22) resignation.  
(23) MS. LENTCHNER: Do not rephrase the question.  
(24) If counsel wishes to testify, counsel can continue  
(25) to testify.

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(1) MR. COTTEN: No. I'm attempting to clarify the  
(2) question so that we don't have the record cluttered up.  
(3) MS. LENTCHNER: Re-read the last answer and  
(4) question, please.  
(5) If you want to waste the time, you can waste the  
(6) time. If you listen, you will see that that was the  
(7) witness' words.  
(8) MR. COTTEN: We will listen to it being re-read.  
(9) [The Reporter read back the requested portion of  
(10) the record.]  
(11) THE WITNESS: He responded to my statement of  
(12) general dissatisfaction generally.  
(13) MR. SALEM: You know, this witness has been  
(14) subjected to 4 hours of questioning a week ago, and we have  
(15) been here since 10 o'clock this morning, and it is 10  
(16) minutes until noon. And I don't know whether counsel  
(17) intends to stay here all day, but if they do, I can tell  
(18) them, respectfully, that they will be speaking to  
(19) themselves.  
(20) I am inclined to recommend to my side that we  
(21) allow Mr. Baroody to go through another 10 to 20 minutes of  
(22) questioning, and then we should leave, because you have not  
(23) covered very much ground that you did not cover in the prior  
(24) deposition, and most of what you are discussing is stuff  
(25) that is outside the scope of the mandate-which, because of

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(1) an order of the Chairman, we have, with deference, allowed  
(2) the questioning to occur on. But it seems to me that you  
(3) are not getting into any of the relevant areas of inquiry  
(4) within the mandate of the Committee.  
(5) MS. LENTCHNER: Please reread the question on the  
(6) record.  
(7) MR. SALEM: I'd like my objection to stay in the  
(8) record.  
(9) MS. ROSENBERG: There is no question pending.  
(10) MR. COTTEN: There is no question pending.  
(11) MS. ROSENBERG: There is no question pending.  
(12) MR. MADIGAN: Let's have the next question. The  
(13) Chairman issued this order to get this information for the  
(14) hearing. I've been sitting here, and the vast majority of  
(15) questions I've already heard in the first transcript is  
(16) accurate. If we go into the areas we're supposed to be  
(17) going into-let's go.  
(18) BY MS. ROSENBERG:  
(19) Q: When you expressed your general dissatisfaction,  
(20) and Haley Barbour expressed his general response-I believe  
(21) that is roughly what you just testified to-what was it?  
(22) What was his general response?  
(23) A: To the effect that it was regrettable that we  
(24) disagreed.  
(25) Q: Anything else?

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(1) A: That was a general response.  
(2) Q: Is that all he said in response to your  
(3) dissatisfaction?  
(4) A: No, I'm sure it wasn't.  
(5) Q: Do you remember anything else he said?  
(6) A: We might have had more than one conversation about  
(7) this; I don't know how to report to you what he might have  
(8) said and what I might have said.  
(9) Q: Do you remember anything else he said in response  
(10) to you expressing that you were dissatisfied?  
(11) A: He felt that we saw things differently about the  
(12) operation of the NPF.  
(13) Q: What did you see differently about the operation  
(14) of the NPF?  
(15) A: About appropriate ways to conduct and administer  
(16) its efforts.  
(17) Q: What did you think were appropriate ways to  
(18) conduct and administer its efforts?  
(19) A: It was a large undertaking. I don't know how to  
(20) answer your question with specificity.  
(21) Q: Well, you said that you and Haley Barbour had  
(22) different views on how to conduct and administer the efforts  
(23) of the NPF. I'm trying to figure out where those views  
(24) differed.  
(25) A: Well, we have talked about one-the suitability of

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(1) foreign money.  
(2) Q: What's another one?  
(3) A: The editorial oversight of the production of the  
(4) summary report.  
(5) Q: And what's another one?  
(6) A: Certain hiring decisions we had discussed.  
(7) Q: Anything else?  
(8) A: I'm sure there was.  
(9) Q: What else do you recall?  
(10) A: The-at various times, the conduct or number of  
(11) forums to be held.  
(12) Q: Anything else?  
(13) A: There would have been, I'm sure, numerous specific  
(14) disagreements.  
(15) Q: Going back for a minute, you had said that you had  
(16) disagreements on the editorial oversight of the report. Can  
(17) you explain your disagreements, your position versus Haley  
(18) Barbour's position?  
(19) MR. MADIGAN: What does that have to do with next  
(20) week's hearing? The reason the Chairman issued the order is  
(21) to discuss the matters that are on for hearing next week.  
(22) You haven't asked him one question about the June 28th  
(23) document-or, the related documents. It is now 12 o'clock.  
(24) MR. SALEM: I would ask for permission that we  
(25) leave.

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(1) MR. MADIGAN: Well, I think you should get to the  
(2) matters that deal with next week's hearing.  
(3) MS. LENTCHNER: Please reread the question.  
(4) [The Reporter read back the requested portion of  
(5) the record.]  
(6) MR. COTTEN: Just for accuracy, I think you used  
(7) the term, "summary report."  
(8) THE WITNESS: I had expected to be the sole  
(9) editor. He asserted his right as chairman to be involved in  
(10) that editorial process as well. That led to disagreements.  
(11) Editors will disagree.  
(12) BY MS. ROSENBERG:  
(13) Q: Was anyone else involved in the editorial  
(14) oversight other than Haley Barbour and you?  
(15) A: Oversight, no.  
(16) Q: Do you recall having any disagreements with Haley  
(17) Barbour about the role of the RNC in any work at the  
(18) National Policy Forum?  
(19) A: Yes, I do.  
(20) Q: What were those disagreements?  
(21) A: Generally speaking, they-I had come to the view  
(22) that the lines between the two organizations were not always  
(23) sharply enough drawn.  
(24) Q: What brought you to that view?  
(25) A: Specific incidents.

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(1) Q: What incidents?  
(2) A: There was disagreement over the conduct of some  
(3) individual forums.  
(4) Q: What other disagreements?  
(5) A: As I have said, the editorial process.  
(6) Q: What other disagreements do you recall as far as  
(7) the role of the RNC?  
(8) A: Editorial process and some specific forums are the  
(9) two that come soonest to mind.  
(10) Q: Were there any other reasons that you felt the  
(11) line between the RNC and the NPF was not as sharp as it  
(12) should have been-as you thought it should have been?  
(13) A: I felt that too often, direction came through Mr.  
(14) Barbour's staff at the RNC rather than directly from him.  
(15) Q: Were there any other reasons that you thought the  
(16) line between the RNC and the NPF was not as sharp as you  
(17) thought it should have been?  
(18) A: I specified a decision not to publicize an interim  
(19) report on health care policy.  
(20) Q: Anything else?  
(21) A: Undoubtedly.  
(22) Q: What else do you recall?  
(23) A: As general categories, at this moment, nothing.  
(24) Q: You think there were other categories; you are  
(25) just not recalling them at this moment?

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[1] A: I'm saying that I've identified general categories  
[2] of concern.  
[3] Q: Going back to your general categories of concern,  
[4] you have testified that you were concerned about the conduct  
[5] of some individual forums. Can you elaborate on what your  
[6] concerns were?  
[7] A: I spoke in the plural. One particularly comes to  
[8] mind, however, and it was a forum on natural resource or  
[9] agricultural policy, or both, scheduled in Fresno,  
[10] California.  
[11] Q: And what were your concerns?  
[12] A: My concerns were that a Member of Congress who had  
[13] been invited to participate as a listening panel should not,  
[14] as some suggested, be invited instead to participate in the  
[15] audience.  
[16] Q: Who suggested this?  
[17] A: Mr. Barbour.  
[18] Q: Who was the member of Congress, first of all?  
[19] A: His name is Congressman Dooley.  
[20] Q: And why did Mr. Barbour make the suggestion that  
[21] he did--do you know?  
[22] A: He had heard some complaints from California Party  
[23] organizations.  
[24] Q: Republican Party organizations?  
[25] A: Correct.

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[1] Q: And so he had suggested a change in the format in  
[2] the forum--  
[3] A: That's correct.  
[4] Q: --based on those complaints?  
[5] A: That is correct.  
[6] Q: And you disagreed with that suggestion?  
[7] A: I did.  
[8] Q: Why?  
[9] A: I thought that since the Member had been invited,  
[10] we should carry out the invitation.  
[11] Q: And did you express your opinion to Mr. Barbour?  
[12] A: I did.  
[13] Q: And what was his response?  
[14] A: He disagreed.  
[15] Q: What ultimately happened?  
[16] A: My recollection is that the Congressman absented  
[17] himself from the forum.  
[18] Q: Was it your understanding that the Congressman did  
[19] so because he knew of the disagreement between you and Haley  
[20] Barbour?  
[21] A: No.  
[22] Q: Why did the Congressman--I guess, not participate  
[23] in the forum--is that what ultimately happened?  
[24] MR. COTTEN: If you know.  
[25] MR. SALEM: If you know. This is calling for

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[1] hearsay, but we are not objecting every chance we can, just  
[2] because we are trying to get through today. I mean, a  
[3] number of these questions call for speculation and call for  
[4] hearsay that would be in the course of a normal deposition  
[5] the subject of objection.  
[6] MS. LENTCHNER: Please reread the question.  
[7] MR. SALEM: I think he remembers the question--  
[8] don't you, Mr. Baroody?  
[9] THE WITNESS: I know that he absented himself from  
[10] the forum. I don't know that I can tell you why he did.  
[11] BY MS. ROSENBERG:  
[12] Q: Had he not absented himself from the forum--  
[13] MR. COTTEN: He'd have been in it. But go ahead.  
[14] BY MS. ROSENBERG:  
[15] Q: --he'd have been in it--where would he have been--  
[16] in the audience or on the panel?  
[17] MR. SALEM: If you know.  
[18] THE WITNESS: My recollection is that he would--I  
[19] am not clear on my recollection. I believe the answer may  
[20] have been that he would have been in the audience.  
[21] BY MS. ROSENBERG:  
[22] Q: And that was Haley Barbour's position; is that  
[23] correct?  
[24] A: That is correct.  
[25] Q: Other than Haley Barbour, who else did you express

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[1] your concern to over the--shall we call it the "Dooley  
[2] situation"--we can call it anything you want--but who else  
[3] did you express your concern to about that matter?  
[4] A: Ken Hill, Judy VanRest, Dan Denning, Kip Howlett,  
[5] Scott Reed.  
[6] Q: And what, if anything, do you recall was Ken  
[7] Hill's response to your concern?  
[8] A: I don't have a specific recollection of his  
[9] response to my concern.  
[10] Q: Do you recall if he believed Mr. Dooley should be  
[11] in the forum or in the audience?  
[12] A: I do not.  
[13] Q: What do you recall Ms. VanRest's response was?  
[14] A: No specific recollection.  
[15] Q: And do you recall if she had an opinion on whether  
[16] Mr. Dooley should have been in the audience or in the forum?  
[17] A: I do not.  
[18] Q: What do you recall Dan Denning's response was?  
[19] A: I recall at one point that he saw the matter--he  
[20] understood my concerns and seemed to assent to them.  
[21] Q: Do you know if he discussed your concerns or  
[22] discussed this issue with Haley Barbour?  
[23] A: I do not.  
[24] Q: Do you know if he discussed it with anyone else?  
[25] A: I know that he discussed it with me and with Kip

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[1] Howlett together in my office.  
[2] Q: What was Kip Howlett's response to your concern?  
[3] A: Again, initially, I believe he assented to their  
[4] validity.  
[5] Q: To your concerns?  
[6] A: Yes.  
[7] Q: And do you know if he discussed this issue with  
[8] Haley Barbour?  
[9] A: I do not.  
[10] Q: Why did you discuss your concerns with Scott Reed?  
[11] A: I believe he called me.  
[12] Q: And what did he say, if you recall?  
[13] A: I recall him being exercised about the objections  
[14] he had heard to the way the forum was structured in Fresno.  
[15] Q: Can you be more specific about the conversation?  
[16] A: He said that he had heard from people in  
[17] California who expressed strong concerns about the forum  
[18] that was planned for Fresno.  
[19] Q: Did the suggestion that Mr. Dooley be taken off  
[20] the panel come from Scott Reed?  
[21] A: I don't recall that it did.  
[22] Q: And what did Scott Reed suggest after he had  
[23] expressed what he had heard from the California Party  
[24] people?  
[25] A: Specifically, I recall him only suggesting that I

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[1] needed to speak with Mr. Barbour about it.  
[2] Q: Do you recall anything else about the  
[3] conversation?  
[4] A: Not that I haven't already reported to you.  
[5] Q: Did you tell Scott Reed that you thought that Mr.  
[6] Dooley should remain on the panel?  
[7] A: I'm sure that I did.  
[8] Q: And do you recall his response?  
[9] A: I recall that he spoke, as I told you, about his  
[10] concern about the concerns he had heard from people in  
[11] California about the forum; he probably would have repeated  
[12] those concerns to me.  
[13] MR. SALEM: Would this be a convenient--  
[14] MR. COTTEN: When you finish--let her finish her  
[15] lining of questioning.  
[16] MR. SALEM: Finish your line of questioning, and  
[17] then I would propose we take a 5-minute break.  
[18] MS. ROSENBERG: I was going to make the same  
[19] suggestion myself.  
[20] THE WITNESS: Out of deference to Cassie, I was  
[21] going to make the same suggestion.  
[22] MS. ROSENBERG: We are all on the same wavelength.  
[23] MR. COTTEN: Why don't you finish up your  
[24] questioning on the "Fresno flap," as we'll call it.  
[25] BY MS. ROSENBERG:

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(1) Q: Other than the people that you have testified to  
(2) here today, do you recall having any discussions with anyone  
(3) else about the "Fresno flap," to use your attorney's phrase?  
(4) A: Counsel.  
(5) Q: Counsel for the NPF, or counsel in relation to  
(6) this investigation, or both?  
(7) A: Counsel for the NPF.  
(8) Q: Counsel for the NPF; and who was that?  
(9) A: Linda Ann Long.  
(10) Q: And when did you discuss your concern with her?  
(11) A: At the time I had them.  
(12) Q: And what was her response?  
(13) MR. SALEM: I think that you're asking him to  
(14) divulge advice of counsel to the NPF to him as the head of  
(15) the NPF, and I think that is something that is not an  
(16) appropriate scope of inquiry. NPF's counsel is not here to  
(17) raise the objection, and I think that we should object on  
(18) their behalf.  
(19) MR. COTTEN: To state it in the record clearly, it  
(20) is the attorney-client privilege that is being--  
(21) MR. SALEM: Fortunately, it is not your privilege;  
(22) it is a privilege that you as the head of NPF had vis-a-vis  
(23) Ms. Long.  
(24) I am directing him not to answer the question.  
(25) MS. ROSENBERG: Are you instructing him--

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(1) MR. SALEM: Yes.  
(2) MS. ROSENBERG: Yes.  
(3) MR. COTTEN: Yes.  
(4) BY MS. ROSENBERG:  
(5) Q: Other than the people you have testified to, who  
(6) else did you discuss the "Fresno flap" with?  
(7) A: Somewhat after the fact, with the general counsel  
(8) of the National Policy Forum, Blake Hall.  
(9) Q: Pardon?  
(10) A: Blake Hall.  
(11) Q: Anyone else?  
(12) A: My wife.  
(13) Q: Did you discuss your concerns with Congressman  
(14) Dooley?  
(15) A: I did not.  
(16) Q: Did you have any conversations with Congressman  
(17) Dooley?  
(18) A: No.  
(19) MS. ROSENBERG: I think now is a good time for  
(20) that break.  
(21) [Recess.]  
(22) MS. ROSENBERG: On the record.  
(23) MR. MADIGAN: Chairman Thompson issued this order  
(24) for the purpose of getting this information for next week's  
(25) hearing. We have now sat here--I have sat here--for over 2

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(1) hours and listened to stuff that, number one, doesn't have  
(2) anything to do with next hearings, mostly, and number two,  
(3) stuff that I have already read in the first deposition.  
(4) There is a June 28th memorandum that you have not  
(5) asked one question about, and I urge you to do it. I can't  
(6) force these people to stay here indefinitely.  
(7) MR. SALEM: For the record, we will stay here for  
(8) a brief period in order to answer any further questions that  
(9) may occur or may be raised with regard to the documents that  
(10) we have produced today, and then we will leave.  
(11) MR. COTTEN: Off the record.  
(12) MS. ROSENBERG: Off the record.  
(13) [Discussion off the record.]  
(14) MS. ROSENBERG: Back on the record.  
(15) MR. SALEM: On the record, I would like to ask if  
(16) counsel for the Minority knows when Mr. Baroody--whether or  
(17) when Mr. Baroody will be asked to appear before the  
(18) Committee. Specifically, Mr. Baroody has several events on  
(19) his schedule this week, but there is a very important event  
(20) in Minnesota that requires his attendance Thursday evening  
(21) and Friday morning. And I am just wondering if you have any  
(22) clarity on whether he will be asked to testify and,  
(23) secondly, if so, when?  
(24) Also, we need a subpoena.  
(25) MS. LENTCHNER: We have that.

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(1) MS. ROSENBERG: Well, this should clear up that  
(2) for you.  
(3) MR. SALEM: I understand; I would hope so.  
(4) [Ms. Rosenberg handing document to Mr. Salem.]  
(5) MR. SALEM: My question about scheduling and the  
(6) statement about Baroody's schedule should be on the record.  
(7) MR. COTTEN: To clean it up a little--  
(8) MR. SALEM: Specifically, Mr. Baroody has several  
(9) events on his calendar for the week, including business  
(10) commitments in Minnesota on Friday morning that will  
(11) necessitate his leaving late Thursday afternoon. And we  
(12) need to know, one, whether he will be asked to testify, and  
(13) secondly, when.  
(14) MS. ROSENBERG: Okay. Mr. Baroody, this is a  
(15) subpoena from the Governmental Affairs Committee, and we are  
(16) giving a copy to counsel, a copy for each of you. [Handing  
(17) documents to witness and counsel.]  
(18) MR. SALEM: Thank you.  
(19) BY MS. ROSENBERG:  
(20) Q: As you can see--  
(21) MS. LENTCHNER: I think you have seen this before.  
(22) BY MS. ROSENBERG:  
(23) Q: --you have probably seen this before--you may be  
(24) called to testify beginning the week of July 23rd--  
(25) MR. COTTEN: It does not give much clarity. Do

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(1) you have--  
(2) MS. ROSENBERG: We do not at this point have a  
(3) specific date or time in mind. We will let him know, as the  
(4) cover letter indicates. As soon as we are able to determine  
(5) the exact day and hour of his testimony, we will let you  
(6) know. Thus far, we do not have that--  
(7) MR. SALEM: You are asking him to be there all  
(8) week?  
(9) MS. ROSENBERG: We will let him know as soon as we  
(10) have established the date and time in which he will be  
(11) called, but right now, we have not done so.  
(12) MR. SALEM: When do you expect to know that?  
(13) MS. ROSENBERG: Well, I will tell you right now  
(14) that until we finish this deposition and get a chance to see  
(15) what Mr. Baroody is going to say, it is going to be hard to  
(16) schedule that; so you are going to have to understand that  
(17) we have to make some decisions. We have a number of other  
(18) depositions that we still need to take, so we will let you  
(19) know as soon as we can.  
(20) MR. PERRY: Well, I think you can make an educated  
(21) guess at this point and at least rule out some time frames,  
(22) because I understand that you have consulted with other  
(23) witnesses with respect to the dates and times for their  
(24) appearances, so to the extent that maybe Wednesday is not a  
(25) possibility, perhaps you could give them that indication.

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(1) MS. ROSENBERG: I can't do that right now.  
(2) MR. SALEM: Well, Mr. Baron told me that it would  
(3) probably be late Wednesday or early Thursday, and I'm  
(4) wondering whether you have any further clarification of  
(5) those time frames.  
(6) MS. ROSENBERG: No. And I don't want to misinform  
(7) you if anything happens to change between now and the next  
(8) couple of days; but we will let you know as soon as we can.  
(9) MR. SALEM: I guess what I'm trying to say is as  
(10) nice a way as I can is that if we can avoid Thursday  
(11) afternoon or Friday, that would be helpful for purposes of  
(12) Mr. Baroody's schedule.  
(13) MS. ROSENBERG: We will take that--  
(14) MS. LENTCHNER: We'll make a big effort.  
(15) MS. ROSENBERG: --definitely--we'll take that into  
(16) consideration.  
(17) MR. SALEM: Also, do you have a sense of how much  
(18) longer we will be here today, from your perspective? From  
(19) our perspective, you know, we would like to be able to leave  
(20) at one o'clock; it is now 12:30. We suggested you should do  
(21) approximately 2 hours of questioning today in addition to  
(22) the 4 hours at the last session of this deposition.  
(23) MS. ROSENBERG: I am going to keep asking my  
(24) questions until they are answered; and let's carry on with  
(25) that.

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[1] MR. PERRY: Well, before you start, let me just  
[2] reiterate what Mr. Madigan said before he departed. The  
[3] order issued by the Chairman was intended to allow you to  
[4] pursue relevant material for the hearings next week, and--  
[5] MS. ROSENBERG: And I believe I am pursuing  
[6] relevant material for the hearings next week.  
[7] MR. PERRY: --just let me finish, let me finish--  
[8] and so I would urge you to do that, and I understand they  
[9] have voiced several concerns in that respect, so please go  
[10] ahead with that in mind.

[11] BY MS. ROSENBERG:

[12] Q: Mr. Baroody, before we broke, we were talking  
[13] about your concerns that the lines between the NPF and the  
[14] RNC were not always sharp enough, in your opinion.

[15] A: Yes.

[16] Q: And you had testified about one particular case of  
[17] a forum in which you thought that that line was blurred; is  
[18] that correct?

[19] A: That is correct.

[20] Q: Were there any other cases of forums in which you  
[21] felt that somehow the line between the RNC and the NPF was  
[22] blurred?

[23] A: No.

[24] Q: That's the only forum that you believed there was  
[25] a question?

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[1] A: Yes.

[2] Q: You also testified that one of your other concerns  
[3] had to do with editorial decisionmaking--those may not be  
[4] your exact words, but editorial work.

[5] A: Yes.

[6] Q: Can you elaborate on the way in which that line  
[7] was blurred?

[8] A: The National Policy Forum set about to produce, on  
[9] or about the 1st of July, 1994, what was termed a summary  
[10] report. Production of that summary report was undertaken by  
[11] people at the RNC. That made it more difficult for me to  
[12] conduct the editorial oversight that I felt was my  
[13] responsibility to do.

[14] Q: When you say "production" of the report was  
[15] undertaken by the RNC, what do you mean?

[16] A: Things like taking typewritten manuscripts of  
[17] report chapters and turning them into camera-ready typeset,  
[18] draft material.

[19] Q: So it was actually the physical production?

[20] A: The production, yes.

[21] Q: Why was the RNC taking care of the production?

[22] A: I don't know for sure. I think Haley Barbour made  
[23] a decision that they would do it there.

[24] Q: Was it in any way your decision that they would do  
[25] it there?

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[1] A: No.

[2] Q: Was the RNC being paid for this production?

[3] A: I was informed that the people involved would  
[4] volunteer their time.

[5] Q: And the people involved who were volunteering  
[6] their time, were they to the best of your knowledge  
[7] employees of the RNC?

[8] A: Yes.

[9] Q: Did you discuss whether the RNC would be producing  
[10] the report with Haley Barbour?

[11] A: I don't recall a conversation, no.

[12] Q: Do you recall a conversation with anyone regarding  
[13] the discussion of the report at the RNC?

[14] A: With Kip Howlett and Dan Denning.

[15] Q: Anyone else?

[16] A: It led to a series of conversations with various  
[17] staff at the NPF responsible for various chapters of the  
[18] report.

[19] Q: What do you recall discussing about the production  
[20] at the RNC with Kip Howlett?

[21] A: Difficulties that it would impose on the process.

[22] Q: What kind of difficulties?

[23] A: Beginning with deadlines set-for type.

[24] Q: Deadlines for type.

[25] A: Yes.

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[1] Q: What other difficulties did you discuss with Kip  
[2] Howlett?

[3] A: There would have been a conversation or two, maybe  
[4] more, about--again, about the difficulties that that  
[5] imposed, that process imposed, and conducting what I thought  
[6] was the necessary editorial oversight.

[7] Q: Would you have had the production of the summary--  
[8] had the decision been yours and not Haley Barbour's, would  
[9] you have had the production of the summary report take place  
[10] somewhere else?

[11] A: Yes.

[12] Q: What group or organization or company would you  
[13] have used? Had you decided that or thought about that?

[14] A: We would have done most of it in-house at the NPF.

[15] Q: And did you express that opinion to anyone?

[16] A: I'm sure I did.

[17] Q: Did you express it to Haley Barbour?

[18] A: I don't recall that I did.

[19] Q: Who do you recall sharing that opinion with?

[20] A: Undoubtedly, Dan Denning, Kip Howlett; I would

[21] have shared the opinion with Judy VanRest and perhaps Ken

[22] Hill.

[23] Q: Who, specifically, was in charge of the production  
[24] at the RNC?

[25] A: I believe the woman's name was Lisa McCormick, who

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[1] would have been functioning as the production overseer, if  
[2] you will.

[3] Q: Do you recall anyone else who would have been  
[4] involved?

[5] A: The only other name that I recall was Scott  
[6] Berkowitz.

[7] Q: And do you recall their positions at the RNC?

[8] A: Lisa was generally involved with publications  
[9] there. Berkowitz, for all I know, may not have been an  
[10] employee, but a consultant; I don't recall his role.

[11] Q: In your discussions with Dan Denning regarding the  
[12] difficulties that having the production at the RNC would--  
[13] the difficulties that would occur--what do you recall  
[14] discussing with Mr. Denning?

[15] A: There were a lot of conversations with a lot of  
[16] people about the difficulties that imposed. I can't  
[17] distinguish one conversation from another, frankly.

[18] Q: In expressing your opinion that in-house  
[19] production of the report would have been preferable to you,  
[20] what was Kip Howlett's response?

[21] A: I don't recall a response from Kip Howlett.

[22] Q: In expressing that opinion to Dan Denning, what  
[23] was Dan Denning's response?

[24] A: I don't know. In terms of what I said earlier,  
[25] there were a lot of conversations. I couldn't pull out his

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[1] response.

[2] Q: What, generally, do you recall about the  
[3] conversations?

[4] A: That I had very decided views about the  
[5] appropriate way and the most efficient way to produce this  
[6] document, particularly under tight deadlines; that I was  
[7] speaking, in the case of Denning and Howlett, to people who  
[8] were not so familiar with the production of publications. I  
[9] felt that they did not understand the full implications of  
[10] what I was telling them.

[11] Q: Is there anything else you recall as far as their  
[12] response to what you have just said here today?

[13] A: Not specifically, no.

[14] Q: Other than the production that we've been talking  
[15] about at the RNC of this report, did any aspects of  
[16] producing the summary report make you concerned that the  
[17] line between the NPF and the RNC was blurred?

[18] A: No.

[19] Q: I believe you testified earlier that on the  
[20] production of this report, you felt direction came through  
[21] the staff--and if that's not your testimony, please correct  
[22] me if I'm wrong.

[23] A: I don't recall that we discussed that earlier.

[24] Q: Okay. Well, I believe you had suggested--

[25] MR. COTTEN: I think there was a separate category

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[1] of concerns that he expressed as to his dissatisfaction,  
[2] that is, with the role that the staff was playing-  
[3] **MS. ROSENBERG:** Perhaps that's the case-  
[4] **MR. COTTEN:** -rather than just in terms of the  
[5] editorial.  
[6] **MS. ROSENBERG:** -that that's another concern.  
[7] **THE WITNESS:** Yes.  
[8] **MR. COTTEN:** That's my recollection.  
[9] **MS. ROSENBERG:** Thank you for clarifying that.  
[10] **BY MS. ROSENBERG:**  
[11] **Q:** What were your concerns that the direction came  
[12] through the staff of the RNC?  
[13] **A:** To be precise, the concern was not that direction  
[14] came from the staff at the RNC; concern was that the job  
[15] assigned to staff at the RNC created inevitable difficulties  
[16] in the conduct of what I thought to be my responsibility,  
[17] editorial oversight of the final product.  
[18] **Q:** And how did that blur the line between the RNC and  
[19] the NPF?  
[20] **A:** The production process included what I was assured  
[21] would be, quotes, "technical and conforming edits." My view  
[22] was that from time to time, such edits conducted by staff  
[23] went beyond technical.  
[24] **Q:** If they went beyond technical, what did they  
[25] include?

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[1] **A:** They would have the effect of the changes made  
[2] for, quotes, "editorial" reasons would have the effect of  
[3] changing the meaning of language.  
[4] **Q:** And who at the RNC was making those editorial  
[5] changes?  
[6] **A:** It specifically was never entirely clear to me.  
[7] **Q:** When those editorial changes were suggested from  
[8] the RNC, were they included in the final report?  
[9] **A:** In the final analysis, most of the changes that  
[10] would have troubled me were not included in the final  
[11] report.  
[12] **Q:** Were any changes that troubled you included in the  
[13] final report?  
[14] **A:** Yes, but none that went to the changed meaning  
[15] point.  
[16] **Q:** What were the changes that troubled you that were  
[17] included in the final report?  
[18] **A:** Oh, there were changes that were editorial rather  
[19] than substantial in nature which I did not succeed in  
[20] getting changed back to what I thought they should be.  
[21] **Q:** On the changes that you did succeed in getting  
[22] changed back-  
[23] **A:** Yes.  
[24] **Q:** -how did that work?  
[25] **A:** Generally, I prevailed on Chairman Barbour to see

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[1] to it that the necessary changes were made.  
[2] **Q:** Do you recall any specific conversations on that  
[3] topic?  
[4] **A:** Yes. I mean, we had at the time, I'm sure,  
[5] conversations on several specific issues.  
[6] **Q:** Do you recall the issues that you discussed?  
[7] **A:** I know that there were some proposed changes in  
[8] the international trade chapter. I felt that those changes  
[9] were made without sufficient reflection or even knowledge on  
[10] the part of the people who made them on some controversies  
[11] that had occurred among council members dealing with  
[12] international trade issues. I felt strongly that some  
[13] change back to original language, therefore, were necessary;  
[14] I believe they were made.  
[15] **Q:** Were there any other occasions that you felt the  
[16] staff of the RNC was attempting to affect any decisions that  
[17] you made at the NPF?  
[18] **A:** I have not said that they were. I have said that  
[19] the process that was put in place had the effect of  
[20] influencing or affecting policy language often carefully  
[21] worked out.  
[22] **Q:** Were there any other processes put into place that  
[23] affected the work of the National Policy Forum?  
[24] **A:** Do you mean with respect to-  
[25] **Q:** With respect to the RNC.

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[1] **Agg-editorial?**  
[2] **Q:** Any at all.  
[3] **A:** No.  
[4] **Q:** You had testified earlier that you were concerned  
[5] that the line between the NPF and the RNC was not clear  
[6] enough with regard to the interim report on health care.  
[7] **A:** Yes.  
[8] **Q:** Can you explain what caused the line to be blurred  
[9] with regard to that particular issue?  
[10] **A:** By the time that interim report was ready, a  
[11] decision was made not to release it.  
[12] **Q:** Who made the decision?  
[13] **A:** The decision was reported to me by NPF staff when  
[14] I returned from travel as the decision announced to them by  
[15] Scott Reed. I understood it to be a decision by Haley  
[16] Barbour.  
[17] **Q:** Who on the NPF staff reported that decision had  
[18] been made?  
[19] **A:** It would have been either Kip Howlett or Dan  
[20] Denning.  
[21] **Q:** And what did they say?  
[22] **A:** That the decision had been made not to publish the  
[23] interim report.  
[24] **Q:** Did they say why?  
[25] **A:** I was told that it was thought to conflict with

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[1] some advertising then going on.  
[2] **Q:** What kind of advertising?  
[3] **A:** It would have been legislative advocacy  
[4] advertising mounted by the RNC on the subject of health  
[5] care.  
[6] **Q:** And you said that you were told of this decision  
[7] when you had returned from travel?  
[8] **A:** That's my recollection, yes.  
[9] **Q:** So is it your recollection that the decision was  
[10] made while you were out of town?  
[11] **A:** I remember the decision being told to me, yes.  
[12] **Q:** Okay. What else do you recall about what the NPF  
[13] staff told you about the decision not to release the interim  
[14] report?  
[15] **A:** In essence, that was it.  
[16] **Q:** Did you discuss this decision with Scott Reed?  
[17] **A:** I don't think so.  
[18] **Q:** Did you discuss it with Haley Barbour?  
[19] **A:** At the time, no.  
[20] **Q:** Did you ever discuss it with Haley Barbour?  
[21] **A:** I don't recall a conversation with him about it.  
[22] **Q:** Did you discuss this decision with anybody else,  
[23] either at the RNC or the NPF?  
[24] **A:** I'm sure I would have discussed it with people at  
[25] the NPF.

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[1] **MR. PERRY:** Could you give a time frame for this  
[2] decision and the discussions you're talking about?  
[3] **BY MS. ROSENBERG:**  
[4] **Q:** When was the decision made not to release the  
[5] interim health care report?  
[6] **A:** My recollection is it was May.  
[7] **Q:** May of-  
[8] **A:** May of 1994.  
[9] **Q:** And around the time the decision was made, do you  
[10] recall discussing it with anybody else at the NPF?  
[11] **A:** I'm sure that I did.  
[12] **Q:** Who else?  
[13] **A:** I imagine I would have discussed it with either  
[14] Denning or Howlett or both; and probably would have raised  
[15] the issue or discussed the issue with others there.  
[16] **Q:** And do you recall what others at the NPF-how they  
[17] responded to the decision not to release the report?  
[18] **A:** No, actually.  
[19] **Q:** You don't recall?  
[20] **A:** I don't.  
[21] **Q:** Was this a report that staff at NPF had worked on  
[22] for a long period of time?  
[23] **A:** Some, yes.  
[24] **Q:** And do you recall if they were unhappy at all that  
[25] it was not being released?



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[1] A: I'm sure they were, but I don't recall  
[2] specifically talking--the conversations with any of them.  
[3] Q: Do you recall general impressions that people were  
[4] disappointed that it wasn't going to be released?  
[5] A: No.  
[6] Q: Were you disappointed that it wasn't going to be  
[7] released?  
[8] A: I was.  
[9] Q: Other than what you had testified to earlier, were  
[10] any other areas in which you felt the line between the RNC  
[11] and the NPF was not clear enough?  
[12] A: Those were the two general areas of concern--those  
[13] being the conduct of the specific forum and things having to  
[14] do with the report production and publication process.  
[15] Q: I believe you testified to hiring decisions--  
[16] A: Oh, that's true, yes.  
[17] Q: --as another area of concern.  
[18] A: That--I did raise that as an area of concern,  
[19] clearly, not necessarily as an area of blurred lines.  
[20] Q: Okay, I thought you had actually specifically  
[21] said that that was one area, but if I'm wrong--  
[22] MR. PERRY: No--what he said is what he said.  
[23] MS. ROSENBERG: I appreciate the clarification.  
[24] BY MS. ROSENBERG:  
[25] Q: Were there any other areas where you felt the line

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[1] was blurred?  
[2] A: I do remember a concern about one way in which a  
[3] member of the staff had involved himself inappropriately  
[4] politically, in my view.  
[5] Q: And can you elaborate on that? Who was the staff  
[6] member?  
[7] A: It involved Mr. Howlett.  
[8] Q: And what were you concerned about?  
[9] A: I just didn't think that he saw the same need to  
[10] avoid any possibility of involvement in anything that  
[11] smacked of campaigns.  
[12] Q: Was there a specific incident that raised your  
[13] concern?  
[14] A: There was.  
[15] Q: And can you tell me about that?  
[16] A: It involved the '94 elections.  
[17] Q: Can you tell me about it?  
[18] MR. COTTEN: That's specifically exempted under  
[19] the order, the '94 election.  
[20] MS. ROSENBERG: Are you instructing him not to  
[21] answer?  
[22] MR. COTTEN: Yes.  
[23] BY MS. ROSENBERG:  
[24] Q: How did that event with Mr. Howlett involve the  
[25] RNC?

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[1] MR. PERRY: If at all.  
[2] THE WITNESS: Since it involves '94, I'm not  
[3] inclined to answer that.  
[4] MS. ROSENBERG: Your counsel can instruct you not  
[5] to answer if he so chooses--  
[6] MR. SALEM: Why don't we go off the record for a  
[7] moment, if we may?  
[8] MS. ROSENBERG: Off the record.  
[9] [Discussion off the record.]  
[10] MS. ROSENBERG: Back on the record.  
[11] MR. COTTEN: Thank you for the opportunity.  
[12] One thing--we are going to respond to your  
[13] question, at least in the context of how you phrased it--we  
[14] would like, again, to try to get some estimate, ma'am--I  
[15] know you said you are going to keep asking the questions--if  
[16] you have any ball park that you can share with us.  
[17] MS. ROSENBERG: Again, I'm just--maybe another  
[18] hour or so, but I don't know for sure.  
[19] MR. COTTEN: Let's see where we go.  
[20] I'm sorry--so that we're clear--  
[21] MS. ROSENBERG: Do you need the question read  
[22] back?  
[23] MR. COTTEN: Yes, just so that we're very clear on  
[24] the question, Madam Reporter, if you would read it back.  
[25] [The Reporter read back the requested portion of

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[1] the record.]  
[2] THE WITNESS: He had a conversation with someone  
[3] at the RNC about a campaign.  
[4] BY MS. ROSENBERG:  
[5] Q: And with whom did he have that conversation?  
[6] A: Scott Reed.  
[7] Q: And what do you know was said during this  
[8] conversation?  
[9] A: I just thought it inappropriate for there to be  
[10] such a conversation.  
[11] MR. COTTEN: We're not going to talk about that.  
[12] The point is that the concern he had expressed was that  
[13] there was an effort involving a campaign--the '94 campaign  
[14] is not for discussion--that was of concern to him, and  
[15] that's why we answered that question.  
[16] BY MS. ROSENBERG:  
[17] Q: Why did it matter to you that the lines between  
[18] the RNC and the NPF be sharp?  
[19] A: The NPF was applying for (c)(4) status, 501(c)(4)  
[20] status as a tax-exempt organization. I felt that blurring  
[21] the lines would not further that application.  
[22] Q: Did you feel that any of the matters we've  
[23] discussed here today or anything else was jeopardizing the  
[24] chance of NPF receiving its 501(c)(4) status?  
[25] A: I thought there was that potential.

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[1] Q: What particular incidents did you think would  
[2] jeopardize the 501(c)(4) status--other than what you've  
[3] testified to?  
[4] A: I don't know, other than what I've testified to.  
[5] Q: What was your involvement with the NPF getting  
[6] this 501(c)(4) status, if any?  
[7] A: My involvement was a function of my management of  
[8] NPF in a way consistent with the application.  
[9] Q: Did you have to fill out the application form?  
[10] A: I don't recall that I did. I believe that was  
[11] effective before I arrived.  
[12] Q: Did you have to submit anything--  
[13] A: Let me--there may have been some documents that I  
[14] signed pursuant to the application.  
[15] Q: And do you recall if any of the documents that you  
[16] signed--do you recall the content of any of the documents  
[17] you signed?  
[18] A: No.  
[19] Q: Were you concerned about the truth or accuracy of  
[20] any of the documents that you signed with regard to the  
[21] 501(c)(4) status?  
[22] A: If I were, I wouldn't have signed them.  
[23] Q: Did any of the documents represent that the RNC  
[24] and the NPF were distinct?  
[25] A: I said that I don't have a specific recollection

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[1] of those documents right now.  
[2] Q: You don't recall if any of the documents said  
[3] anything about the RNC?  
[4] MR. PERRY: Listen, that's the same question you  
[5] just asked.  
[6] MS. ROSENBERG: I'm just clarifying it, though.  
[7] MR. PERRY: I know you want to do a thorough exam,  
[8] but there is a sort of an expression of concern about the  
[9] time frame. If you re-ask every question, it's going to  
[10] create an even worse problem.  
[11] MS. LENTCHNER: Would you please reread the  
[12] question?  
[13] [The Reporter read back the requested portion of  
[14] the record.]  
[15] BY MS. ROSENBERG:  
[16] Q: That's the question; you don't recall if any of  
[17] the documents said anything about the RNC?  
[18] A: I have said that.  
[19] Q: On fundraising at the National Policy Forum, was  
[20] anyone at the National Policy Forum responsible for checking  
[21] the nationality of any donor?  
[22] A: No.  
[23] Q: Was anyone responsible for checking the source of  
[24] donors' funds?  
[25] A: Can you elaborate on that?

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(1) Q: If you received a check from an individual, was  
(2) anyone responsible for finding out if that person was  
(3) actually able to write that check, make that payment?  
(4) A: No, I don't recall that they were.  
(5) Q: Can you just list for me--strike that.  
(6) While you were at the NPF, did the NPF ever  
(7) receive a contribution from a foreign source?  
(8) A: No.  
(9) Q: While you were at the NPF, was there ever any  
(10) solicitation of a foreign source?  
(11) A: No.  
(12) Q: While you were at the NPF, was there ever a  
(13) contribution solicited or received from a U.S. subsidiary of  
(14) a foreign company?  
(15) A: I recall none.  
(16) Q: While you were at the NPF, was there ever a  
(17) solicitation from or a contribution received from a green  
(18) card holder?  
(19) MR. COTTEN: I'm sorry--what is your--  
(20) MS. ROSENBERG: A green card holder.  
(21) THE WITNESS: No, not to my knowledge.  
(22) MS. ROSENBERG: I am going to show you a document--  
(23) and I believe it is also among the documents that your  
(24) counsel has produced here today--and I want to have this  
(25) marked as Exhibit 2.

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(1) [Baroody Deposition Exhibit  
(2) No. 2 marked for  
(3) identification.]  
(4) MS. ROSENBERG: For the record, this is a  
(5) memorandum dated June 2nd, 1993 to Haley Barbour, Mike  
(6) Baroody, Ken Hill, from Scott Reed.  
(7) BY MS. ROSENBERG:  
(8) Q: Mr. Baroody, do you recall receiving this  
(9) document?  
(10) A: I do not.  
(11) Q: Prior to preparing for this deposition, had you  
(12) seen this document?  
(13) A: Yes.  
(14) Q: Had you seen this document while you were at NPF?  
(15) A: I'm sure that I had.  
(16) Q: What was your understanding as to the purpose for  
(17) which this document was written? Why was this document  
(18) written?  
(19) A: To put down on paper a list of action items?  
(20) Q: And again, what was your understanding as to why  
(21) Scott Reed was preparing this document?  
(22) A: I don't know that I had a specific understanding  
(23) of why Scott Reed was preparing the document.  
(24) Q: At that time, was Scott Reed in any way associated  
(25) with NPF?

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(1) A: No.  
(2) Q: On the paragraph of the document that says  
(3) "Fundraising"--have you had a chance to take a look at it--  
(4) A: Yes.  
(5) Q: --the first line says, "Need to develop target  
(6) list to approach." Do you know if that was done, if the  
(7) target list was developed?  
(8) A: Yes, I believe that list was developed.  
(9) Q: And do you know who developed it?  
(10) A: I recall one developed by Kelly Guesnier.  
(11) Q: Do you recall any assistance that she got from  
(12) anyone else in developing it?  
(13) A: No.  
(14) Q: Did you help develop the target list?  
(15) A: Not that I recall; I would have looked at it.  
(16) Q: Do you recall if Haley Barbour assisted in  
(17) developing it?  
(18) A: I don't know.  
(19) Q: The next line says, "Finalize business plan to  
(20) present." Do you know if that was done?  
(21) A: No, I don't remember whether it was done.  
(22) Q: Do you know who it would have been presented to,  
(23) if a business plan had been finalized?  
(24) A: I assume it would have come to me and to Haley  
(25) Barbour, perhaps to Ken Hill.

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(1) Q: Skipping down, there's a line that says, "Lauder,  
(2) Kriebble, Fischer, Chambers, Forestrman," and then,  
(3) handwritten next to that line is "Balkany and NAHB."  
(4) A: Yes.  
(5) Q: First of all, do you recognize the handwritten  
(6) portion of that? Do you recognize whose handwriting that  
(7) is?  
(8) A: No, I don't.  
(9) MR. COTTEN: May I ask just one thing for the  
(10) record? The copy I have, that we provided, doesn't have any  
(11) handwriting on it; so am I accurate in that the one that's  
(12) submitted here is from a different source?  
(13) MS. ROSENBERG: Yes, this is--  
(14) MR. PERRY: And if you could identify that source,  
(15) please do that.  
(16) MR. COTTEN: Okay, that's fine.  
(17) BY MS. ROSENBERG:  
(18) Q: You don't recognize the handwriting?  
(19) A: No, I do not.  
(20) MR. SALEM: No--excuse me. We'd like to know the  
(21) source of the document he's being asked to authenticate,  
(22) since it is apparently a different document than the one  
(23) that we produced in connection with this deposition and in  
(24) connection with the subpoena, which was not, as previously  
(25) noted, a subpoena duces tecum; therefore, we are providing

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(1) it as a matter of courtesy.  
(2) Could you please identify the source of the  
(3) document that my client is being asked to authenticate?  
(4) MS. ROSENBERG: I can't identify the source of the  
(5) document.  
(6) MR. SALEM: Please remove it from this deposition  
(7) and replace it with the document that we provided you in  
(8) context with this deposition.  
(9) This is outrageous. You provide my client with a  
(10) document that is ostensibly the document that we provided;  
(11) you give it from another source, and you do not identify the  
(12) source for purposes of this record?  
(13) MS. ROSENBERG: For purposes of this record, I am  
(14) trying to determine whether your client recognizes the  
(15) handwritten document items.  
(16) MR. SALEM: Please remove the document from my  
(17) client's field of vision and present to him the document  
(18) that we have provided.  
(19) I must insist that you remove the document that is  
(20) not the document that we have provided and ask--unless you  
(21) wish to identify the source of said document.  
(22) BY MS. ROSENBERG:  
(23) Q: Of the typed names on this document--  
(24) MR. SALEM: It is no longer--let the record  
(25) reflect that the document is no longer in front of him.

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(1) Now, if you wish to present him with what we gave  
(2) you--and this deposition is over in 2 minutes, for the  
(3) record, 2 minutes. This is absolutely outrageous. I have  
(4) never been in a deposition in my 20-some-odd years of  
(5) practice of law where a document is given to someone as  
(6) ostensibly having been produced by us and is not the one  
(7) produced by us, and someone is asking questions about it and  
(8) is not giving the source of the information for the  
(9) document.  
(10) MS. LENTCHNER: Ask the question.  
(11) MR. SALEM: You have 2 minutes, counsel.  
(12) MR. PERRY: Why don't you just identify the  
(13) source?  
(14) BY MS. ROSENBERG:  
(15) Q: On the memorandum that you received, there was a  
(16) list of individuals--Lauder, Kriebble, Fischer, Chambers,  
(17) Forestrman--that was typed in. Do you know where those  
(18) individuals' names came from--how they came to be on a  
(19) fundraising list?  
(20) MR. SALEM: The document is no longer in front of  
(21) him, counsel. Let the record reflect that.  
(22) And if you wish not to answer the question since  
(23) it's not the document we presented, that's your choice, Mr.  
(24) Baroody.  
(25) MS. LENTCHNER: It's an unfortunate situation, but



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(1) it's very difficult to have copied and marked as exhibits  
(2) things that are given to us the morning of the deposition.  
(3) If--

(4) **MR. SALEM:** We are prepared to answer the question  
(5) if you just remark the document that we gave you. I don't  
(6) know where this one came from. How do I know it's not a  
(7) forgery? I don't know whose handwriting this is, nor does  
(8) he. I don't know whose markings these are--

(9) **MS. LENTCHNER:** Excuse me.

(10) Would you please reread the question on the  
(11) record?

(12) [The Reporter read back the requested portion of  
(13) the record.]

(14) **THE WITNESS:** No.

(15) **MR. SALEM:** Excuse me. It's now 1:15. I would  
(16) like to declare a recess for us to discuss amongst ourselves  
(17) whether we wish to continue this deposition at this time.

(18) **MS. ROSENBERG:** We can go off the record, and we  
(19) can discuss that.

(20) [Discussion off the record.]

(21) **MS. ROSENBERG:** Back on the record.

(22) **MR. COTTEN:** We just want to tell you that we have  
(23) come here with the goal, as I said, of cooperating, and also  
(24) not being here any longer than 4 hours.

(25) *I'll tell you what we're going to do. We're going*

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(1) to give you 10 minutes--we'll give you 15 minutes, since  
(2) we've talked a little bit--and in that 15 minutes, you had  
(3) better ask what you want to ask, because then we're out of  
(4) here. And we won't count the time if you want to sit down  
(5) and get organized as to which ones you want to use, but  
(6) other than that, we're going.

(7) **MS. ROSENBERG:** That's quite all right, although--

(8) **MS. LENTCHNER:** Well, we cannot support  
(9) termination of the deposition. That's not the position of  
(10) the Committee. But continue your questions.

(11) **MR. PERRY:** Well, I'm sorry. I hope you didn't  
(12) say that's not the position of the Committee. The  
(13) Committee's position will be determined by the Committee and  
(14) not by Minority counsel.

(15) **MR. COTTEN:** Would you for the record please state  
(16) that it is now 1:25 by this clock, so the 15 minutes is  
(17) starting, by that clock, at 1:25.

(18) **MS. ROSENBERG:** For the record, I would like the  
(19) just produced memorandum of June 2nd from Scott Reed to be  
(20) added as Exhibit Number 3. I don't have a photocopy of it  
(21) now myself, but I would like that that memorandum be added  
(22) as Exhibit Number 3.

(23) [Baroody Deposition Exhibit

(24) No. 3 marked for

(25) identification.]

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(1) **MS. ROSENBERG:** And also for the record, with the  
(2) exception of handwriting, which we have established this  
(3) witness does not recognize, and a check mark and a few stray  
(4) handwriting marks, the documents are identical.

(5) **BY MS. ROSENBERG:**

(6) **Q:** On paragraph 2 of that memorandum that you've just  
(7) produced, the second line from the bottom of that paragraph  
(8) says, "Foreign." Do you recall what that refers to?

(9) **A:** Specifically, no.

(10) **Q:** Generally?

(11) **A:** We discussed the discussion about possible foreign  
(12) sources.

(13) **Q:** And that's your understanding of what this  
(14) reference to "Foreign" means?

(15) **A:** Well, I have no specific understanding of what  
(16) this reference to "Foreign" means.

(17) **Q:** Other than what you've already testified to today,  
(18) do you recall having any conversations with any of the  
(19) people listed on this memorandum--Haley Barbour, Ken Hill or  
(20) Scott Reed--on the topic of foreign money, foreign  
(21) contributions?

(22) **A:** Other than what I've already said, no.

(23) **MS. ROSENBERG:** So that there is not any  
(24) confusion, I am going to ask that the next exhibit be the  
(25) letter, again, just provided, the memorandum to Chairman

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(1) Barbour just provided to the Committee, dated June 28, 1994,  
(2) from Michael Baroody, "Subject: Some Reasons for  
(3) Resignation." And again, I don't have photocopies. I would  
(4) like that marked and added as Exhibit 4.

(5) [Baroody Deposition Exhibit

(6) No. 4 marked for

(7) identification.]

(8) **BY MS. ROSENBERG:**

(9) **Q:** Mr. Baroody, did you personally write this letter?

(10) **A:** I did.

(11) **Q:** And did you--

(12) **MR. COTTEN:** Excuse me. You're talking about the  
(13) memorandum?

(14) **MS. ROSENBERG:** Memorandum. I'm sorry. I should  
(15) have referred to it more clearly.

(16) **MR. COTTEN:** Yes. Could you please distinguish,  
(17) because there are two of the same--

(18) **MS. ROSENBERG:** Yes, you are correct. That is my  
(19) mistake.

(20) **BY MS. ROSENBERG:**

(21) **Q:** Did you personally write this memorandum?

(22) **A:** I did.

(23) **Q:** And did you write it on or about June 28, 1994?

(24) **A:** Yes.

(25) **Q:** And did you deliver it to Haley Barbour?

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(1) **A:** Yes.

(2) **Q:** Who, if anyone, have you ever given this memo to  
(3) other than Haley Barbour or counsel?

(4) **A:** My wife has seen it, other relatives have seen it.

(5) **Q:** Anyone else?

(6) **A:** A couple of other very close friends.

(7) **Q:** Anyone else?

(8) **A:** No.

(9) **Q:** And who were the close friends?

(10) **A:** Must I?

(11) **Q:** That's my question.

(12) **MR. PERRY:** I think he raises a valid issue. I

(13) mean, if you think you really have a need to know who his  
(14) close friends are, I think you're going down the wrong path  
(15) here. Our scope is not such that we investigate the nature  
(16) of people's associations or their personal financial  
(17) information or anything like that. That's it. Please go  
(18) ahead.

(19) **MR. COTTEN:** Do you have a hesitancy to name them?

(20) **THE WITNESS:** Yes.

(21) **MR. COTTEN:** Then we'll instruct you not to  
(22) answer.

(23) **MS. LENTCHNER:** I think the question was "give a  
(24) copy," not "show a copy."

(25) **THE WITNESS:** I understood the question.

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(1) **MS. ROSENBERG:** He understood the question. He  
(2) doesn't want to answer.

(3) **MR. SALEM:** That's fine. He has been instructed  
(4) not to answer.

(5) **BY MS. ROSENBERG:**

(6) **Q:** Have you ever given a copy of this memorandum to  
(7) anyone else?

(8) **MR. COTTEN:** I'm sorry--anyone else, other than--

(9) **BY MS. ROSENBERG:**

(10) **Q:** Other than the people you have just named.

(11) **A:** No.

(12) **Q:** And are these your initials on the letter, next to  
(13) "Michael Baroody"?

(14) **A:** They are.

(15) **Q:** In the second paragraph of this letter, midway  
(16) down, there's a sentence that begins, "I told you, again  
(17) even before starting at NPF that I thought you were right  
(18) about the possibility foreign money could be raised, but  
(19) thought it would be wrong to do so."

(20) Do you still believe it would be wrong--was wrong--  
(21) for the NPF to consider the possibility of raising foreign  
(22) money?

(23) **A:** I thought it was wrong, yes.

(24) **Q:** And do you still today think it is wrong that they  
(25) considered it then?

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(1) A: Yes.  
(2) Q: The last sentence of that paragraph reads: "My  
(3) recollection is that the opposition to foreign sources  
(4) expressed by the then new volunteer finance chair finally  
(5) put an end to such speculation sometime after the first of  
(6) this year."  
(7) Who was the volunteer finance chair?  
(8) A: Lee Brown.  
(9) Q: On the next page, the second full sentence on that  
(10) page reads: "Subsequently, your staff told me you thought  
(11) we ought to avoid inviting legislators for that reason."  
(12) Who on the staff—who on Haley Barbour's—or, on  
(13) the staff, were you referring to?  
(14) A: Scott Reed.  
(15) Q: Anyone else?  
(16) A: No.  
(17) Q: Going down a little bit further to the third full  
(18) paragraph on that page, "Virtually from the start, it became  
(19) clear there were major differences between us in approach.  
(20) We had very little direct contact. Instead, I met routinely  
(21) with your RNC staff."  
(22) Who were you referring to in that sentence?  
(23) A: Scott Reed and Don Fierce.  
(24) Q: Anyone else?  
(25) A: No.

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(1) Q: In the next paragraph, the third sentence: "I had  
(2) this understanding not only because you and others told me  
(3) so, but because the deliberate decision had been made to  
(4) organize the NPF under section 501(c)(4) of the federal tax  
(5) code."  
(6) Who were the "others" besides Haley Barbour that  
(7) told you that the organization would be separate from the  
(8) RNC?  
(9) A: I would have had in mind Don Fierce, perhaps  
(10) others; he's the one I recall.  
(11) Q: In the next paragraph, you refer to "an invited  
(12) listener" from the panel".  
(13) A: Yes.  
(14) Q: Is that Congressman Dooley, whom you were speaking  
(15) of before?  
(16) A: That's correct.  
(17) Q: And you said that the views "were unequivocally  
(18) shared by outside counsel"; and who was that?  
(19) A: Linda Ann Long.  
(20) Q: The next sentence says: "These concerns were  
(21) dismissed by you (and by one of your staff, as so much  
(22) 'legal b.s.')." Who was the staff person you were referring  
(23) to?  
(24) A: Scott Reed.  
(25) Q: In the next paragraph, you start out by saying:

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(1) "From our conversation earlier today, I know you see and  
(2) recall the matter differently."  
(3) Can you describe the conversation you had had with  
(4) Haley Barbour earlier that day?  
(5) A: In sum, he felt that it was possible to  
(6) appropriately change the invitation to Mr. Dooley from that  
(7) of panel participant/listener to a member of the audience.  
(8) Q: How long was the conversation?  
(9) A: I really don't recall.  
(10) Q: Was it a short conversation, a long conversation?  
(11) A: I think it was relatively short.  
(12) Q: Was it a heated conversation?  
(13) A: It may well have been.  
(14) Q: Was anything else discussed in that conversation?  
(15) A: I think we've discussed the essence of the  
(16) conversation in my response to your questions.  
(17) Q: Any other topics in that conversation that were  
(18) discussed?  
(19) A: I think not.  
(20) Q: Did you tell him you were going to resign during  
(21) that conversation?  
(22) A: No, I did not.  
(23) Q: Going on to the next page—are you there—  
(24) A: Yes.  
(25) Q: —the third paragraph, three lines up from the

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(1) bottom, there is a sentence—well, I have a couple of  
(2) questions on that; it's a long sentence—you refer to a  
(3) "hand-picked COO"; who is that?  
(4) A: Dan Denning?  
(5) Q: And then you again refer to "your staff"; who are  
(6) you referring to there? You can take a minute to read the  
(7) full sentence if you need it.  
(8) A: Yes. I am not sure. The reference is to the COO,  
(9) Dan Denning, learning from Haley Barbour's staff.  
(10) Q: Do you have any recollection or any idea who that  
(11) might be?  
(12) A: I don't know specifically who that would have  
(13) been.  
(14) Q: The next paragraph starts out: "The sentiment of  
(15) much of the staff here is that we are operated like a  
(16) division of the RNC."  
(17) Who were you referring to?  
(18) A: That it was a general sentiment that I had come to  
(19) understand characterized the view of much of the staff. I  
(20) wasn't referring to anyone specific.  
(21) Q: Where did you learn—how did you learn that that  
(22) was the sentiment of much of the staff?  
(23) A: I learned it from staff or from people who would  
(24) have reported it to me, having spoken to NPF staff.  
(25) Q: And who were the staff that you learned it from?

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(1) A: Again, it was a general sentiment. I can't be  
(2) precise in terms of staff who may have said that.  
(3) Q: Can you recall any staff who may have said that?  
(4) A: I cannot say to you that any—that I recall  
(5) directly any staff using those words specifically.  
(6) Q: Do you recall any staff using words to that  
(7) effect?  
(8) MR. COTTEN: Tempus fugit.  
(9) THE WITNESS: Yes.  
(10) BY MS. ROSENBERG:  
(11) Q: Who?  
(12) A: I'm not trying to put you off under the clock,  
(13) but—Chandler Van Orman.  
(14) Q: And who is that?  
(15) A: He was a member of the events management staff at  
(16) the NPF.  
(17) Q: Anyone else that you recall?  
(18) A: No. As I say, it was a general sentiment.  
(19) Q: Do you recall if Judy VanRest expressed a  
(20) sentiment such as that to you?  
(21) A: Not specifically. Perhaps she did.  
(22) Q: You don't have a specific recollection?  
(23) A: No.  
(24) Q: Dan Denning?  
(25) A: No.

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(1) Q: Near the end of that paragraph, the second-to-the-  
(2) last sentence: "Your chief of staff objected quite  
(3) forcefully to my statement." Who is that?  
(4) A: Going on to the next page, the paragraph that  
(5) begins with the word "Also," you—  
(6) MR. COTTEN: Ms. Rosenberg, just let me tell you  
(7) our time has expired, but I will do this. Since the  
(8) specific stated purpose earlier was to question on the  
(9) memorandum, you are now doing that, we will certainly stay  
(10) here to finish your questions concerning this memorandum,  
(11) because I think that's what was stated by Majority counsel.  
(12) So we'll stay here until you finish those questions, despite  
(13) my earlier promise to leave within 15 minutes. But when you  
(14) are finished with this, we're gone.  
(15) BY MS. ROSENBERG:  
(16) Q: In that second paragraph on that page, you refer  
(17) to a Member of Congress.  
(18) A: Yes.  
(19) Q: Who is that?  
(20) MR. COTTEN: That's the '94 election year. You  
(21) are instructed not to answer.  
(22) BY MS. ROSENBERG:  
(23) Q: Moving on to the next page, you begin the second  
(24) paragraph by saying: "The above does not exhaust the list  
(25) of my concerns."

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[1] What other concerns do you recall, other than  
[2] those in the letter or those that you have testified to here  
[3] today?  
[4] A: The rest of the paragraph goes on to suggest what  
[5] they were--that we had not hit the mark of our mission in  
[6] the way that I thought we should.  
[7] Q: Are there any other concerns that you have that  
[8] are not in this letter or that you have not testified to  
[9] here today?  
[10] A: Undoubtedly.  
[11] Q: Do you recall what they are?  
[12] A: No.  
[13] Q: Did you have any conversations with Haley Barbour  
[14] after this letter was sent?  
[15] A: Yes.  
[16] Q: Can you describe those conversations for me?  
[17] A: They were various. That was a period of time when  
[18] we were getting ready for--well, we had a Board meeting the  
[19] next day. We released the report. We finalized a follow-  
[20] on, longer version of a report. There were numerous reasons  
[21] for such conversations.  
[22] Q: Did you have any conversations with Haley Barbour  
[23] about this letter-  
[24] A: Yes.  
[25] Q: --subsequent to this--or, this memorandum,

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[1] subsequent to him receiving it?  
[2] A: At least about elements mentioned in it, yes.  
[3] Q: What elements do you recall discussing with Haley  
[4] Barbour?  
[5] A: I know, for example, that I told him with respect  
[6] to the preparation of the longer version of the report--we  
[7] termed them "white papers"--I expressed the strong view that  
[8] if we went through the same editorial process for that as we  
[9] had on the shorter summary report, it would be--it would  
[10] compound the difficulties just as it had in the summary  
[11] instance.  
[12] Q: And what was his reaction?  
[13] A: He responded positively and indicated that he  
[14] would try to make the process a smoother one.  
[15] Q: Do you recall any other issues you discussed after  
[16] you gave Haley Barbour this letter--memo?  
[17] A: I talked about the manner of my departure, what I  
[18] intended to do before I left, or least try to do.  
[19] Q: What else?  
[20] A: We revisited some of the questions of why I had  
[21] been so exercised about the deadlines imposed for production  
[22] of the summary report, why I had felt the process that  
[23] accompanied that had proven so difficult.  
[24] Q: Anything else?  
[25] A: Undoubtedly; nothing comes to mind now.

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[1] Q: Did Haley Barbour try to convince you not to  
[2] resign?  
[3] A: No.  
[4] Q: What subjects in this memo--I know this was a  
[5] confidential memo--but what subjects in this memo were  
[6] discussed at the Board meeting?  
[7] A: We discussed the summary report. There was a  
[8] report on the status of the 501(c)(4) application. I made  
[9] mention of my concern about the separation issue. There was  
[10] a lot of other discussion at the Board meeting just about  
[11] general developments at the NPF.  
[12] Q: What was the Board's reaction to your discussion  
[13] of--or, to your mention of--your concern about the  
[14] separation?  
[15] A: I don't recall any.  
[16] Q: You don't recall if they reacted?  
[17] A: That's correct.  
[18] Q: What was--  
[19] MR. COTTEN: It's really into the Board meetings,  
[20] so we're going to be out of here.  
[21] BY MS. ROSENBERG:  
[22] Q: Did you mention your concern about foreign  
[23] fundraising at the Board meeting?  
[24] A: No.  
[25] Q: And what was the status of the 501(c)(4)

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[1] application at that point?  
[2] A: It was still pending.  
[3] MR. COTTEN: Thank you very much. We have  
[4] responded to the question on the memorandum, and we are  
[5] departing. We feel we have complied, and--  
[6] MR. SALEM: We have more than complied.  
[7] MR. COTTEN: --went beyond it.  
[8] MS. LENTCHNER: We disagree  
[9] MR. COTTEN: Well, thank you very much, but that  
[10] was part of the reason of our concern; we were expressing  
[11] concerns from the very get-go on how long it was going to  
[12] take.  
[13] MS. ROSENBERG: We're off the record.  
[14] [Discussion off the record.]  
[15] MS. ROSENBERG: Let's go back on the record.  
[16] MS. LENTCHNER: We understand that you're not  
[17] waiving signature.  
[18] MR. COTTEN: We understand that it was cut off  
[19] before we got a full representation of what we were trying  
[20] to explain our reasons for departure, but we also, rather  
[21] than re-hassle that, will just state here that we do not  
[22] want to waive signature, and we'll see you again at the  
[23] hearing.  
[24] MS. ROSENBERG: Off the record.  
[25] [Whereupon, at 1:50 p.m., the deposition was concluded.]

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2004.03.03

*CERTIFICATE OF DEPONENT*

I have read the foregoing \_\_\_\_\_ pages which contain  
the correct transcript of the answers made by me to the  
questions therein recorded.

\* \* \*

Subscribed and sworn before me this


\_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

\_\_\_\_\_  
Notary Public in and for

My commission expires \_\_\_\_\_

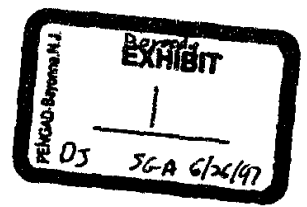
***CERTIFICATE OF NOTARY PUBLIC***

I, DONALD J. JACOBSEN, the officer before whom the foregoing deposition was taken, do hereby testify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me stenographically and thereafter reduced to typewriting under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by and of the parties to the action in which this deposition was taken; and further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto nor financially or otherwise interested in the outcome of the action.

  
DONALD J. JACOBSEN

Notary Public in and for  
the District of Columbia

My commission expires: November 30, 1998



**MICHAEL E. BAROODY**  
**SENIOR VICE PRESIDENT FOR PUBLIC AFFAIRS**  
**THE NATIONAL ASSOCIATION OF MANUFACTURERS**

Michael E. Baroody is the Senior Vice President for Public Affairs at the National Association of Manufacturers. He directs the association's efforts and programs to more fully involve manufacturers in the NAM's advocacy, lobbying and policy and political efforts in Washington and around the country. Baroody also represents the NAM as key spokesman on national issues, and serves as director of research for the NAM's Manufacturing Institute, a 501(c)(3) policy research organization.

Baroody was NAM's senior vice president for policy and communications from 1990 to 1993, leaving in June of that year to become president of the Republican-oriented National Policy Forum, a grassroots policy development organization. He served as its president until August of 1994 when he returned to build the NAM's public affairs program.

At the Forum, Baroody was responsible for drafting and publishing "Listening to America," a compendium of public attitudes and ideas based in part on input from 60 public hearings held by the Forum across the country. While at the Forum, Baroody also resurrected the widely praised periodical "Commonsense: A Republican Journal of Thought and Opinion," which he had founded in 1978 and edited under Republican auspices.

Prior to joining the NAM in 1990, Baroody had been, since 1985, the assistant secretary for policy at the United States Department of Labor. From 1981 to 1985, he served on Ronald Reagan's White House staff as deputy assistant to the President and director of public affairs. He was research director and later director of public affairs at the Republican National Committee from 1977 to 1980, where he also served as Editor-in-Chief of the 1980 Republican Platform.

Baroody began his career in 1970 in the Washington office of Nebraska Senator Roman Hruska. He then worked for Kansas Senator Bob Dole, first as his speech writer and press aide at the RNC, and later as the executive assistant in his Senate office.

Baroody is also Chairman of the Board of the National Center for Neighborhood Enterprise. The Center seeks to promote self-sufficiency among low income Americans by increasing the impact of neighborhood enterprises, by identifying and empowering successful community organizations and leaders, and by encouraging and assisting people in other communities to learn from and emulate such local success.

Baroody graduated in 1968 from the University of Notre Dame and subsequently served for two years in the U.S. Navy. The father of six and grandfather of two, he is a Washington area native. He and his wife, Muff, reside in Alexandria.

The NAM -- "18 million people who make things in America" -- is the nation's oldest and largest industrial trade association. Its 14,000 member companies and subsidiaries, large, mid-sized and small, account for 85 percent of U.S. manufacturing output.

1



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January, 1990 to June, 1993

Senior Vice President for Policy and Communications at the National Association of Manufacturers in Washington, D.C..

July, 1993 to August, 1994

President, the National Policy Forum: A Republican Center for the Exchange of Ideas.  
Editor, NPF's *Commonsense: A Republican Journal of Thought and Opinion*.

August, 1994 to January, 1997

Vice President for Public Affairs at the National Association of Manufacturers.

January 1997 to the present

Senior Vice President for Public Affairs at the National Association of Manufacturers.

MICHAEL E. BAROODY DEPOSITION

THURSDAY, JUNE 26, 1997

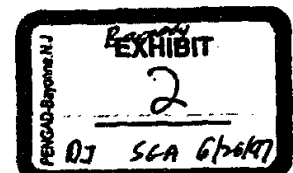
PRELIMINARY STATEMENT

Mike Baroody served as the President of the National Policy Forum from July 1, 1993 through August 1, 1994.

Pursuant to S. Res. 39, the Senate, after considerable debate, authorized the Committee to expend funds "for the sole purpose of conducting an investigation of illegal or improper activities in connection with 1996 Federal election campaigns." S. Res. 39 as passed by the Senate on March 11, 1997.

The Committee's jurisdiction extends "sole[ly]" to issues connected with the 1996 Federal election campaigns. In his capacity as President of NPF, Mr. Baroody had nothing to do with the 1996 Federal election campaigns. Thus, Mr. Baroody has no documents that refer or relate to the NPF during the period related to the 1996 Federal election campaigns, and no documents at all that relate to "illegal or improper activities in connection with 1996 Federal election campaigns," or any other documents that are responsive to the subpoena.

Since Mr. Baroody, in his capacity as President of the National Policy Forum, had nothing to do with the 1996 Federal election campaign, the Committee plainly lacks jurisdiction to investigate Mr. Baroody's activities as President of the NPF. As the Joint Committee on Congressional Operations has observed, "[s]ubpoenas issued by congressional committees must not exceed the scope of authority delegated to the Committee." Committee Print, *Leading Cases on Congressional Investigatory Authority*,



94th Congress, 2d Session, at 17. And as the Supreme Court of the United States has declared, the limits of a Committee's investigatory jurisdiction "are embodied in the authorizing resolution. That document is the committee's charter." *Watkins v. United States*, 354 U.S. 178, 200 (1957).

Where an investigatory committee exceeds its jurisdiction, a witness has no duty to respond to the committee's questions, *Russell v. United States*, 369 U.S. 749, 768 (1962); *Deutch v. United States*, 367 U.S. 456, 469-70 (1961); *Sacher v. United States*, 356 U.S. 576, 577 (1958); *Watkins*, 354 U.S. at 214-15; *United States v. Cuesta*, 208 F. Supp. 401, 406 (D.P.R. 1962), a subpoenaed party need not produce documents, *United States v. McSurely*, 473 F.2d 1178, 1203 (D.C. Cir. 1972); *United States v. Patterson*, 206 F.2d 433, 434 (D.C. Cir. 1953).

We are here today in response to a subpoena in connection with the Committee's attempts to investigate illegal or improper activities in connection with the 1996 Federal election campaigns. Given the fact that Mr. Baroody left NPF on August 1, 1994, there will be little he can add to that investigation. To the extent that your questioning exceeds the mandate of the Committee as set forth in S. Res. 39, we will direct Mr. Baroody to not answer.

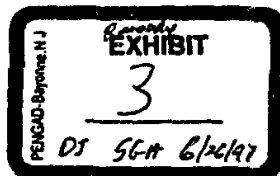
In connection with document production, the only document which we produce is Mr. Baroody's resume, in which he takes great pride. We have no documents which relate to any NPF role in the 1996 Federal election campaign.

## SCOPE

The jurisdiction of the Committee on Governmental Affairs is set forth in the Rules of the Senate and defines the ultimate parameters of any investigation conducted by this Committee, including the present investigation. Without limiting the Committee's jurisdiction as set forth in the rules, or the ultimate scope of this investigation, the Committee intends to conduct an investigation into illegal or improper fund-raising and spending practices in the 1996 federal election campaigns, including but not limited to:

- foreign contributions and their effect on the American political system;
- conflicts of interest involving federal officeholders and employees, as well as the misuse of government offices;
- failure by federal government employees to maintain and observe legal barriers between fund-raising and official business;
- the independence of the presidential campaigns from the political activities pursued for their benefit by outside individuals or groups;
- the misuse of charitable and tax exempt organizations in connection with political or fund-raising activities;
- unregulated (soft) money and its effect on the American political system;
- promises and/or the granting of special access in return for political contributions or favors;
- the effect of independent expenditures (whether by corporations, labor unions or otherwise) upon our current campaign finance system, and the question as to whether such expenditures are truly independent;
- contributions to and expenditures by entities for the benefit or in the interest of public officials; and

to the extent that they are similar or analogous, practices that occurred in previous federal election campaigns.



***CERTIFICATE OF DEPONENT***

I have read the foregoing \_\_\_\_\_ pages which contain  
the correct transcript of the answers made by me to the  
questions therein recorded.

\_\_\_\_\_  
\* \* \*


Subscribed and sworn before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

\_\_\_\_\_  
Notary Public in and for  
\_\_\_\_\_

My commission expires \_\_\_\_\_

***CERTIFICATE OF NOTARY PUBLIC***

I, ANNE E. HAYES, the officer before whom the foregoing deposition was taken, do hereby testify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me stenographically and thereafter reduced to typewriting under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto nor financially or otherwise interested in the outcome of the action.

  
ANNE E. HAYES

Notary Public in and for

the District of Columbia

My commission expires:

May 31, 2002



## MEMORANDUM

TO: Haley Barbour  
Mike Baroody  
Ken Hill

FROM: Scott Reed

DATE: June 2, 1993

SUBJECT: NPF Action

1. Survey Research Mailing

- Sample needs to drop July 1 (1,000 dignitaries)
- Need approval on letter and questionnaire
- John Grotta has mechanical lead
- Questionnaire has been slow in developing and needs immediate attention

2. Fundraising

- Need to develop target list to approach
- Finalize business plan to present
- Agree on endowments
- Lauder, Kriebel, Fischer, Chambers, Forestman, Balkany, N AHB
- Steve Bell - Solomon Bros.
- Foreign
- Develop budget/cash needs

3. Develop Policy Councils

- Titles
- Appoint leadership
- Senate and House staff assistance

4. Appoint Board of Directors/Executive Committee

- Financial commitment?
- Brock?

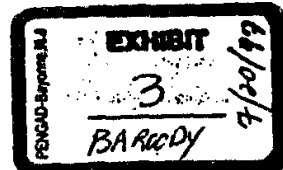
5. Prepare Documents for Chicago RNC Meeting

- July 8-10
- Include positive press clips
- Need HB approval early

**6. Personnel**

- Update organizational chart
- Fill key positions - communications
- Appoint Blake Hall - General Counsel





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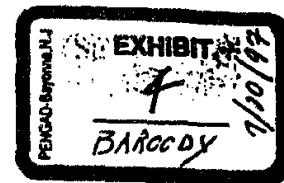
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# NATIONAL POLICY FORUM

*A Republican Center for the Exchange of Ideas*

HALEY BARBOUR  
Chairman

MICHAEL E. BAROODY  
President



June 28, 1994

## MEMORANDUM FOR CHAIRMAN BARBOUR

FROM: MICHAEL BAROODY *MB*

SUBJECT: SOME REASONS FOR RESIGNATION  
A Confidential Memorandum to Accompany my June 26 Letter  
of Resignation as President of NPF

Just days more than a year ago, you and I announced publicly the formation of the National Policy Forum. In an accompanying letter of resignation, I have recalled what I thought was our agreement about its high purpose and achievable objectives -- of listening to America and developing policy on the basis of what we heard and what members of the NPF's policy councils thought.

We knew this effort would be difficult. Logistically, politically, administratively, the effort was to be a complex one. Financially too, it was daunting, though it was suggested to me in early, pre-July conversations with you and others, that substantial pledges were already assured and even that two prospective donors were each expected to contribute \$1 million. We also discussed your belief that considerable money could be raised for this effort from foreign sources. I told you, again even before starting at NPF, that I thought you were right about the possibility foreign money could be raised, but thought it would be wrong to do so. The idea, nonetheless, seemed to hold some fascination and continued to be discussed until well after Denning came on the scene. My recollection is that the opposition to foreign sources expressed by the then new volunteer finance chair finally put an end to such speculation sometime after the first of this year.

Even conceptually, in my view, much work remained to be done at the start, to refine the NPF concept. I thought there was agreement on this latter point -- that there was much conceptual thinking still to be done; but found out soon after starting on July 1st of last year, that there was not such agreement. It became increasingly apparent that you envisioned my job to be one of implementing a design already thought-through and complete while I envisioned my initial task to be refining what I thought to be less than well and fully thought-out. I believe the serious concern you expressed to me about the agenda for the 1st forum provides a case in point. Before the event you expressed grave misgivings that insufficient time was allowed for presentations by Republicans on Repub-

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lican solutions. After the event, you were critical of the legislators we invited for the 2nd panel because they were "too partisan." Subsequently, your staff told me you thought we ought to avoid inviting legislators for that reason. This is one example of the lack of conceptual clarity I thought a problem. Even on the issue of attendance, there was a similar problem. You were quick to label Orlando's turn-out "unacceptable." I confess to being disappointed myself but am mindful of the fact that we had never defined what "acceptable" turn-out meant. Is attendance of 175 over the course of a day in Orlando unacceptable? Is a more recent turn-out in San Antonio of two dozen -- produced with a much more elaborate events management staff than NPF enjoyed last November -- OK?

As I told Denning at one point, the NPF needed two things done well to succeed. Good implementation, to be sure, and good conceptualization.

I believe that what has happened over many months has undermined my efforts, distorted our purpose, blurred the separation of RNC and NPF in such a way as conceivably to jeopardize our 501(c)(4) application, and has occasioned the inexcusable, heavy-handed treatment of volunteers with the NPF.

Virtually from the start, it became clear there were major differences between us in approach. We had very little direct contact. Instead, I met routinely with your RNC staff.

I had understood at the outset this would be an organization separate from the RNC. Though both would be chaired by you, they would operate distinctly. I had this understanding not only because you and others told me so, but because the deliberate decision had been made to organize the NPF under section 501(c)(4) of the federal tax code. That provision *requires* separate operation. Especially in recent months, it has become increasingly difficult to maintain the fiction of separation.

The Fresno Forum was a case in point. My strong view that our 501(c)(4) application required that we not respond to pressure from party organizations either to cancel the event or remove an invited "listener" from the panel were unequivocally shared by outside counsel to the NPF and communicated by both of us directly to you. These concerns were dismissed by you (and by one of your staff, as so much "legal b.s.") and staff here were directed to respond to party pressures in a way I thought put our "(c)(4)" status in jeopardy. Upon learning of this after the fact -- not from me but from our Washington-based counsel -- NPF's General Counsel, also a member of the RNC, agreed that the response to party pressure was inappropriate and could put NPF's application for tax status at risk. He stated his agreement on this in a phone conversation with me after he had learned of the matter and after he had learned of its disposition.

From our conversation earlier today, I know you see and recall the matter differently. I have, however, a distinct recollection of conversations with the lawyers. Even after the forum was held, they remained concerned. I checked the file also and it

reminded me that our Washington-based counsel had shared with me a draft letter about the issues raised by the Fresno event. The draft began:

I spoke with Haley last night with regard to the Dooley situation in Fresno. His wishes and directions are as follows.

In order to prevent the forum from becoming a political event, Haley directs that Dooley be removed as a member of the Listening Panel and be invited to participate as a member of the audience.

It was clear, first, that she was not drafting a legal opinion on Fresno but memorializing your "wishes and directions." Second, out of a concern for your position in this matter, I asked whether the explicit reference to Fresno and specifically to your decision-making in the matter was prudent. She agreed, on reflection, that it was not prudent and finalized a draft that set policy for the future with no reference to Fresno or your involvement with it.

Other examples underscore my concern that separation between NPF and RNC is a fiction. The interim health care report was not released because it was thought that doing so would interfere with GOP advertising you had undertaken. This, I believe not only inappropriate, given NPF's 501(c)(4) application, but also counter-productive, given that the interim report would have reinforced the message of the ads by pointing out that what Republicans would wish to do about health care matched what people we listened to want done about health care.

I note one other example that raises the "separate organization" issue. The production of the Listening to America summary report was turned over to RNC staff. I was informed they would volunteer their time -- which I believe to be another fiction. In the letter that accompanies this memorandum, I offer some detail as to why this was a problem and how serious a problem I believed it to be. In addition, your recent disclosure to me of an arrangement with the printer to produce the summary report at a discount of \$200,000 if deadlines were met was not only previously unknown to me, but unknown to your hand-picked COO who told me he learned details of this (only after I raised it with him) from your staff who apparently made the printing arrangement. Since figures I was shown here yesterday by our accounting staff shows the total cost for the report -- printing, postage and production -- is about \$200,000, this remains confusing to me.

The sentiment of much of the staff here is that we are operated like a division of the RNC. You may recall a meeting last Fall when I voiced my concern and disappointment that you and I had not spent much time at all together (I had expected we would, especially in the early weeks, so that we could come to basic conceptual agreement on how best to operate NPF -- what's "acceptable?" for example, and What's not?) Your chief of staff objected quite forcefully to my statement. He and I had met routinely, he said; my point was that you and I had not.

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In addition to the "fiction" of separate organizations, I have additional major concerns with the operation of NPF. Commitments made to me at the start have been broken. For one example, you provided me with written assurance of hiring authority, adding that "From time to time, I will recommend individuals to you who (sic) I believe would be assets to the organization, but you need not consider them to be must hires." With the hiring of Denning and Howlett, and generally with hiring since, that commitment has been shattered.

Also, I have been increasingly troubled by the heavy-handed manner in which very high level volunteers with NPF have been treated -- and much of my own personal time has been taken up with my efforts to counter this. One person on staff here (whose hiring to a senior capacity you ordered) directed that language on the very sensitive issue of abortion be withheld from a member of Congress who was the relevant council co-chair. The language in question was withheld from her until about literally the 11th hour (according to the production schedule he insisted must be followed) -- even though we were to publish the language in a report to be associated with her. Such arrogant treatment of a member of Congress is unacceptable; I do not wish to be associated with it. We asked her to be co-chair, not the other way around.

As you and I have more recently -- but separately -- learned, the charge has been made that the same individual at NPF has informed another very active and involved co-chair that the RNC wishes her to withdraw from a congressional race where she is an announced candidate. Among the many problems with this are the fact that: (1) it is totally inappropriate for an official of NPF to be engaging in a matter so inherently campaign-related; (2) that it was allegedly done at the apparent direction of RNC staff without even the knowledge of myself or others at NPF; and, (3) that it is a hell of a way to tell a dedicated NPF volunteer and council co-chair "thank you" for all your help. This, too, if true, is totally unacceptable and represents activity and astonishingly flawed judgment with which I do not wish to be associated.

Again, from our conversation of earlier today I recognize you have a view that this is not true and the co-chair's concern, while understandable, stems from a misunderstanding. My information, unfortunately, suggests to me powerfully that she feels certain she did not "misunderstand" what the NPF official told her. While I want to hope that you are correct about this, I fear you are not and urge you to be very sure on this. I think we agreed in our earlier conversation that if true, the effect politically on the party, institutionally on the NPF and personally on you could be very serious.

I was also troubled by the conversation you and I had about including language in the summary of defense policy which, though you did not suggest this, I felt the need to discuss with the council co-chair. Had I not discussed it with her, and urged you to do the same when you and I could not agree, I believe the additional language you envisioned -- a version of which appeared in one iteration of the "page-proofs" for the report -- would have, at least, been embarrassing to NPF and the co-chair in question if not destructive to the NPF's overall integrity and credibility.

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One other major point merits mention. At the outset, you and I agreed (it was publicly announced, in fact) that NPF would start with loaned seed money from the RNC. Until revenues began to materialize, I was determined to keep expenses down. In consultation with you (through your staff) I was encouraged to do so and even to hold off hiring needed additional staff for events management at the same time pressure to begin forum meetings from you was mounting. I called this at the time "Hitting the brake and pressing the accelerator at the same time." Ken Hill may recall that during this period, I would not even authorize purchase of a TV. Consequently, at the end of 1993, the staff here was well under 20 (among these were several young people at hourly, minimum wage pay levels) and the indebtedness of NPF to the RNC was approximately one-tenth the amount anticipated for the end of this July. Only after the 1st of the year, with the arrival of a COO did staffing balloon to near fifty and debt begin to mount to current, previously unforeseen levels, not so much because of any mismanagement but because revenues lagged persistently and substantially behind expenditures. Again, the point here is that I will not be held responsible for what I was not allowed to control.

The above does not exhaust the list of my concerns. Largest among them is my continuing belief that we could have better achieved what at the start I thought we agreed was the shared objective of mounting a serious, well-thought-out and well-executed policy development effort that started where it ought to start -- with the views of people around the country and with solid conservative Republican principle. Instead, we found ourselves consumed by a numbers game, with pretty much the entire staff here focused on holding as many meetings as possible to accumulate numbers and -- in the annoying phrase of the Vice President for Policy -- "hitting the Bogie." Counter-productively, this often yielded very disappointing audience turn-out and events that were not well-planned in terms of trying to build a record. Also, it eliminated the possibility of an additional, deliberate focus on the search for "ideas that work" which our early forum in Ft. Mitchell -- with visits to magnet schools and home-schooling families -- had shown to hold great promise. Soon, "It's the Forums, Stupid" became the operating principle here and came to be taken literally -- meaning that scheduling forums, holding them, and moving on to the next one was not just an important focus, but the virtually exclusive focus of staff activity here.

The purpose of this memo is what I have labelled it to be -- to serve as a confidential communication from me to you. I have no intention and no desire of spreading these concerns around (the question of any obligation I may have to the Board, not so much to detail my concerns -- and certainly not to share with them this memo -- but to state that I have some concerns that are serious is an issue, however). There is also, in my twenty-five year professional record, no precedent for activity on my part that equates to "spreading around my concerns." I say this to underscore that my purpose with this document is to air issues between us, not with others.

In the letter accompanying this memo, I tender my resignation as president of the National Policy Forum and discuss the need for the terms and conditions of that resignation to be what I think fairness and equity would require.

Finally, it has been constantly a frustration over the last year that my concerns, ideas, and judgment have so often been dismissed, if listened to at all, and more often have been totally ignored. Major changes in direction (e.g. the decision to switch focus to publication of a "summary" report) have been made without any consultation with me at all, and without sufficient comprehension of how significantly they disturbed work product, staff morale, or the policy councils' longer-report-writing process. Plans for the next phase of activity are being made similarly, without any consultation. I would prefer to believe that much of this and other problems (some of which are mentioned above, others documented elsewhere) occurred without your full knowledge, but for the reason mentioned in closing below, I cannot be sure of that.

Among the many ironies of the last year, perhaps the largest has been this: We set out to Listen to America, but never really listened well to each other.